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Selections.

THE DRED SCOTT CASE.

THE OPINION OF MR. JUSTICE CURTIS.

IN THE SUPREME COURT OF THE UNITED STATES, } Saturday, March 7, 1857.

MR. JUSTICE CURTIS—I dissent from the opinion pronounced by the Chief Justice and from the judgment which the majority of the Court think it proper to render in this case. The plaintiff alleged in his declaration that he was a citizen of the State of Missouri, and that the defendant was a citizen of the State of New York. It is not doubted that it was necessary to make each of these allegations to sustain the jurisdiction of the Circuit Court. The defendant denied, by a plea to the jurisdiction, either sufficient or insufficient, that the plaintiff was a citizen of the State of Missouri. The plaintiff demurred to that plea. The Circuit Court adjudged the plea insufficient, and the first question for our consideration is, whether the sufficiency of that plea is before this Court for judgment upon this writ of error.

[We omit the argument upon the preliminary point here stated, which involves only certain technicalities of pleading (interesting chiefly to lawyers), and come at once to the Judge's opinion upon the question, whether persons of African descent may be citizens of the United States.]

CAN PERSONS OF AFRICAN DESCENT BE CITIZENS?

Under the allegations contained in this plea, and admitted by the demurrer, the question is whether any person of African descent, whose ancestors were sold as slaves in the United States, can be a citizen of the United States. If any such person can be a citizen, this plaintiff has the right to the judgment of the Court that he is so; for no cause is shown by the plea why he is not so, except his descent and the slavery of his ancestors.

The first section of the second article of the Constitution uses the language "a citizen of the United States at the time of the adoption of the Constitution," and one mode of approaching this question is to enquire who were citizens of the United States at the time of the adoption of the Constitution.

Citizens of the United States at the time of the adoption of the Constitution can have been no other than citizens of the United States under the Confederation. By the articles of Confederation a government was organized, the style whereof was: "The United States of America." This government was in existence when the Constitution was framed and proposed for adoption, and was to be superseded by the new government of the United States of America, organized under the Constitution. When, therefore, the Constitution speaks of citizenship of the United States, existing at the time of the adoption of the Constitution, it must necessarily refer to citizenship under the government which existed prior to, and at the time of such adoption.

Without going into any question concerning the powers of the Confederation to govern the territory of the United States out of the limits of the States, and consequently to sustain the relation of government and citizen in respect to the inhabitants of such territory, it may safely be said that the citizens of the several States were citizens of the United States under the Confederation. That government was simply a confederacy of the several States possessing a few defined powers over subjects of general concern, each State retaining every power, jurisdiction and right not expressly delegated to the United States in Congress assembled. And no power was thus delegated to the government of the Confederation, to act on any question of citizenship, or to make any rules in respect thereto. The whole matter was left to stand upon the action, and to the natural consequences of such action, that the citizens of such State should be citizens of that Confederacy into which that State had entered, the style whereof was "the United States of America."

To determine whether any free persons, descendants from Africans held in slavery, were citizens of the United States under the Confederation, and consequently at the time of the adoption of the Constitution of the United States, it is only necessary to know whether any such persons were citizens of either of the States under the Confederation at the time of the adoption of the Constitution.

Of this there can be no doubt. At the time of the ratification of the articles of Confederation, it is a fact beyond the reach of the most ingenious doubts, that all free, native-born inhabitants of the States of New Hampshire, Massachusetts, New York, New Jersey and North Carolina, though descended from African slaves, were not only citizens of those States, but such of them as had the other necessary qualifications, possessed the franchise of electors on equal term with other citizens.

The Supreme Court of North Carolina, in the case of The State *agt.* Manuel, 4 Dev. & Bat. 20, has declared the law of that State on this subject in terms which I believe to be as sound in law in the other States which I have enumerated as it was in North Carolina. "According to the laws of this State," says Mr. Justice Gaston, in delivering the opinion of the Court, "all human beings within it who are not slaves, fall within one of two classes. Whatever distinctions may have existed in the Roman laws between citizens and free inhabitants, they are unknown to our institutions. Before our revolution all free persons born within the dominions of the King of Great Britain, whatever their colour or complexion, were native-born British subjects—those born out of his allegiance were aliens. Slavery did not exist in England, but it did in the British Colonies. Slaves were not, in legal parlance, persons, but property. The moment the incapacity—the disqualification of slavery—was removed, they became persons, and were then either British subjects or not British subjects, according as they were or were not born within the allegiance of the British King. Upon the revolution, no other change took place in the laws of North Carolina than was consequent on the transition from a Colony, dependent on an European King, to a free and sovereign State. Slaves remained slaves. British subjects in North Carolina became North Carolina freemen. Foreigners, until made members of the State, remained aliens. Slaves, manumitted here, became freemen, and, therefore, if born within North Carolina, are citizens of North Carolina, and all free persons born within the State are born citizens of the State. The Constitution extended the elective franchise to every freeman who had arrived at the age of 21, and paid a public tax; and it is a matter of universal notoriety, that under it, free persons, without regard to colour, claimed and exercised the franchise, until it was taken from free men of colour a few years since by our amended Constitution."

In the State *agt.* Newcomb, 5 Wedell's R. 253, decided in 1844, the same court referred to this case of the State *agt.* Manuel, and said: "That case underwent a very laborious investigation both by the bar and the bench. The case was brought here by appeal, and was felt to be one of great importance in principle. It was considered with an anxiety and care worthy of the principle involved, and which gives it a controlling influence and authority on all questions of a similar character."

An argument from speculative premises, however well chosen, that the then state of opinion in the Commonwealth of Massachusetts was not consistent with the natural rights of those people who were born on that soil, and that they were not by the Constitution of 1780 of that State admitted to the condition of citizens, would be received with surprise by the people of that State, who know their own political history. It is true, beyond all controversy, that persons of colour, descended from African slaves were, by that Constitution, made citizens of the State, and such of them as have had the necessary qualifications, have held and exercised the elective franchise, as citizens, from that time to the present. (See Com. *vs.* Aves, 18 Pick R.)

The Constitution of New Hampshire conferred the elective franchise upon "every inhabitant of the State having the necessary qualification," of which colour or descent was not one.

The Constitution of New York gave the right to vote to "every male inhabitant, who shall have resided," &c., making no discrimination between free coloured persons and others.

That of New Jersey, to "all inhabitants of this Colony of full age, who are worth £50 proclamation money, clear estate."

New York, by its Constitution of 1820, required coloured persons to have some qualifications as prerequisites for voting, which white persons need not possess. And New Jersey, by its present Constitution, restricts the right to vote to white male citizens. But these changes can have no effect upon the present inquiry, except to show, what indeed is indisputable, that before they were made, no such restrictions existed; and coloured, in common with white persons, were not only citizens of those States, but entitled to the elective franchise on the same qualifications as white persons, as they now are in New Hampshire and Massachusetts.

I shall not enter into an examination of the existing opinions of that period respecting the African race, nor into any discussion concerning the meaning of those who asserted in the Declaration of Independence, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness. My own opinion is, that a calm comparison of these assertions of universal abstract truths, and of their own individual opinions and acts, would not leave these men under any reproach of inconsistency; that the great truths they asserted on that solemn occasion, they were ready and anxious to make effectual wherever a necessary regard to circumstances, which no statesman can disregard without producing more evil than good, would allow, and that it would not be just to them nor true in itself, to allege that they then intended to say that the Creator of all men had endowed the white race, exclusively, with the great natural rights which the Declaration of Independence asserts. But this is not the place to vindicate their memory. As I conceive, we should deal here not with such disputes, if there can be a dispute concerning this subject, but with those substantial facts, evinced by the written constitutions of States and by the notorious practice under them. And they show, in a manner which no argument can obscure, that in some of the original thirteen States free coloured persons, before and at the time of the formation of the Constitution, were citizens of those States.

The fourth of the fundamental articles of the Confederation was as follows: "The free inhabitants of each of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States."

The fact that free persons of colour were citizens of some of the several States, and the consequence that this fourth article of the Confederation would have the effect to confer on such persons the privileges and immunities of general citizenship, were not only known to those who framed and adopted those articles, but the evidence is decisive, that the fourth article was intended to have that effect, and that more restricted language, which would have excluded such persons, was deliberately and purposely rejected.

On the 25th of June, 1778, the articles of Confederation being under consideration by the Congress, the delegates from South Carolina moved to amend the fourth article, by inserting after the word "free" and before the word "inhabitants," the word "white," so that the privileges and immunities of general citizenship would be secured only to white persons. Two States voted for the amendment, eight States against it, and the vote of one State was divided. The language of the article stood unchanged, and both by its terms of inclusion, "free inhabitants," and its strong implication from its terms of exclusion, "paupers, vagabonds and fugitives from justice," who alone were excepted, it is clear, that under the Confederation, and at the time of the adoption of the Constitution, free coloured persons of African descent might be, and by reason of their being inhabitants of certain States, were, entitled to the privileges and immunities of general citizenship of the United States.

Did the Constitution of the United States deprive them or their descendants of citizenship?

That Constitution was ordained and established by the people of the United States through the action, in each State, of those persons who were qualified by its laws to act thereon in behalf of themselves and all other citizens of that State. In some of the States, as we have seen, coloured persons were among those qualified by law to act on this subject. These coloured persons were not only included in the body of "the people of the United States," by whom the Constitution was ordained and established, but, in at least five of the States, they had the power to act, and doubtless did act, by their suffrages, upon the question of its adoption. It would be strange if we were to find in that instrument anything which deprived of their citizenship any part of the people of the United States who were among those by whom it was established.

I can find nothing in the Constitution which, *proprio vigore*, deprives of their citizenship any class of persons who were citizens of the United States at the time of its adoption, or who should be native-born citizens of any State after its adoption; nor any power enabling Congress to disfranchise persons born on the soil of any State, and entitled to citizenship of such State by its Constitution and laws. And my opinion is, that under the Constitution of the United States, every free person, born on the soil of a State, who is a citizen of that State, by force of its Constitution or laws, is also a citizen of the United States.

I will proceed to state the grounds of that opinion The first section of the second article of the Constitution uses the language, "a natural born citizen." It thus assumes that citizenship may be acquired by birth. Undoubtedly this language of the Constitution was used in reference to that principle of public law, well understood in this country at the time of the adoption of the Constitution, which referred citizenship to the place of birth. At the Declaration of Independence, and ever since, the received general doctrine has been in conformity with the common law, that free persons, born within either of the Colonies, were subjects of the king: that by the Declaration of Independence, and the consequent acquisition of sovereignty of the several States, all such persons ceased to be subjects, and became citizens of the several States, except so far as some of them were disfranchised by the legislative power of the States, or availed themselves, seasonably, of the right to adhere to the British crown in the civil contest, and thus to continue British subjects. (McIlvain *agt.* Coxe's Lessee, 4 Cranch, 209.)

The Constitution having recognised the rule, that persons born within the several States are citizens of the United States, one of four things must be true:

First, That the Constitution itself has described what native-born persons shall or shall not be citizens of the United States; or,

Second, That it has empowered Congress to do so; or,

Third, That all free persons, born within the several States, are citizens of the United States; or,

Fourth, That it is left to each State to determine what free persons, born within its limits, shall be citizens of such State, and *thereby* be citizens of the United States.

If there be such a thing as citizenship of the United States acquired by birth within the States, which the Constitution expressly recognises and no one denies, then these four alternatives embrace the entire subject, and it only remains to select that one which is true.

That the Constitution itself has defined citizenship of the United States, by declaring what persons born within the several States shall or shall not be citizens of the United States, will not be pretended. It contains no such declaration. We may dismiss the first alternative, as, without doubt, unfounded.

Has it empowered Congress to enact what free persons born within the several States shall or shall not be citizens of the United States?

Before examining the various provisions of the Constitution which may relate to this question, it is important to consider for a moment the substantial nature of this inquiry. It is, in effect, whether the Constitution has empowered Congress to create privileged classes within the States, who alone can be entitled to the franchises and powers of citizenship of the United States. If it be admitted that the Constitution has enabled Congress to declare what free persons, born within the several States, shall be citizens of the United States, it must, at the same time, be admitted that it is an unlimited power. If this subject is within the control of Congress, it must depend wholly on its discretion. For, certainly, no limits of that discretion can be found in the Constitution, which is wholly silent concerning it. And the necessary consequence is that the Federal Government may select classes of persons within the several States who alone can be entitled to the political privileges of citizenship of the United States.

If this power exists, what persons born within the States may be President or Vice-President of the United States, or members of either house of Congress, or hold any office, or enjoy any privilege whereof citizenship of the United States is a necessary qualification, must depend solely on the will of Congress. By virtue of it, though Congress can grant no title of nobility, they may create an oligarchy in whose hands would be concentrated the entire power of the Federal Government. It is a substantive power, distinct in its nature from all others; capable of affecting not only the relations of the States to the General Government, but of controlling the political condition of the people of the United States. Certainly we ought to find this power granted by the Constitution, at least by some necessary inference, before we can say it does not remain to the States or the people. I proceed, therefore, to examine all the provisions of the Constitution which may have some bearing on the subject.

Among the powers expressly granted to Congress is "the power to establish a uniform rule of naturalization." It is not doubted that this is a power to prescribe a rule for the removal of the disabilities consequent on foreign birth. To hold that it extends further than this would do violence to the meaning of the term naturalization, fixed in the common law (Co. Lit. 8, a. 129, a.; 2 Ves. Sen. 286; 2 Bl. Com. 293. n.), and in the minds of those who concurred in framing and adopting the Constitution. It was in this sense of conferring on an alien and his issue the rights and powers of a native-born citizen, that it was employed in the Declaration of Independence. It was in this sense it was expounded in the *Federalist* (No. 42), has been understood by Congress, by the judiciary (2 Whea., 259, 269.; 3 Wash., R. 313. 322; 12 Whea., 277), and by commentators on the Constitution (3 Story's Com. on Con. 1, 3; Rawle on Con. 84, 88; 1 Tucker's Bl. Com. Appx. 253, 259).

It appears, then, that the only power expressly granted to Congress to legislate concerning citizenship, is confined to the removal of the disabilities of foreign birth.

Whether there be anything in the Constitution from which a broader power may be implied, will best be seen when we come to examine the two other alternatives, which are, whether all free persons, born on the soil of the several States, or only such of them as may be citizens of each State respectively, are thereby citizens of the United States. The last of these alternatives, in my judgment, contains the truth.

Undoubtedly, as has already been said, it is a principle of public law, recognised by the Constitution itself, that birth on the soil of a country, both creates the duties and confers the rights of citizenship. But it must be remembered, that though the Constitution was to form a government, and under it the United States of America were to be one united sovereign nation, to which loyalty and obedience on the one side, and from which protection and privileges on the other would be due, yet the several sovereign States, whose people were then citizens, were not only to continue in existence, but with powers unimpaired, except so far as they were granted by the people to the National Government.

Among the powers unquestionably possessed by the several States, was that of determining what persons should and what persons should not be citizens. It was practicable to confer on the Government of the Union this entire power. It embraced what may well enough, for the purpose now in view, be divided into three parts. First, the power to remove the disabilities of alienage, either by special acts in reference to each individual case, or by establishing a rule of naturalization to be administered and applied by the courts. Second, determining what persons should enjoy the privileges of citizenship in respect to the internal affairs of the several States. Third, what native-born citizens should be citizens of the United States.

The first-named power, that of establishing a uniform rule of naturalization, was granted, and here the grant, according to its terms, stopped. Construing a constitution containing only limited and defined powers of government, the argument derived from this definite and restricted power to establish a rule of naturalization, must be admitted to be exceedingly strong. I do not say it is necessarily decisive. It might be controlled by other parts of the Constitution. But when this particular subject of citizenship was under consideration, and in the clause specially intended to define the extent of power concerning it, we find a particular part of this entire power separated from the residue, and conferred on the General Government, there arises a strong presumption that this is all which is granted; and that the residue is left to the States and to the people. And this presumption is, in my opinion, converted into a certainty by an examination of all such other clauses of the Constitution as touch this subject. I will examine each which can have any possible bearing on this question.

The first clause of the second section of the third article of the Constitution is: "The judicial power shall extend to controversies between a State and citizens of another State; between citizens of different States; between citizens of the same State, claiming lands under grants of different States; and between States or citizens thereof and foreign States, citizens or subjects."

I do not think this clause has any considerable bearing upon the particular inquiry now under consideration. Its purpose was to extend the judicial power to those controversies in which local feelings or interests might so enter as to disturb the course of justice or give rise to suspicions that they had done so; and thus possibly give occasion to jealousy or ill-will between different States, or a particular State and a foreign nation. At the same time, I would remark, in passing, that it has never been held—I do not know that it has ever been supposed—that any citizen of a State could bring himself under this clause, and the 11th and 12th sections of the Judiciary act of 1789, passed in pursuance of it, who was not a citizen of the United States. But I have referred to the clause, only because it is one of the places where citizenship is mentioned by the Constitution. Whether it is entitled to any weight in this inquiry or not, it refers only to citizenship in the several States. It recognises that, but it does not recognise citizenship of the United States as something distinct therefrom.

As has been said, the purpose of this clause did not necessarily connect it with citizenship of the United States, even if that were something distinct from citizenship of the several States, in the contemplation of the Constitution. This cannot be said of other clauses of the Constitution, which I now proceed to refer to.

"The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." Nowhere else in the Constitution is there anything concerning a general citizenship; but here, privileges and immunities to be enjoyed throughout the United States, under and by force of the national compact, are granted and secured. In selecting those who are to enjoy these national rights of citizenship, how are they described? As citizens of each State. It is to them these national rights are secured. The qualification for them is not to be looked for in any provision of the Constitution or laws of the United States. They are to be citizens of the several States, and, as such, the privileges and immunities of general citizenship, derived from and guaranteed by the Constitution, are to be enjoyed. It would seem that if it had been intended to constitute a class of native born persons within the States, who should derive their citizenship of the United States from the action of the Federal Government, this was an occasion for referring to them. It cannot be supposed that it was the purpose of this article to confer the privileges and immunities of citizens in all the States upon persons not citizens of the United States. And if it was intended to secure these rights only to citizens of the United States, how has the Constitution here described such persons? Simply as citizens of each State.

But further: though—as I shall presently more fully state—I do not think the enjoyment of the elective franchise essential to citizenship, there can be no doubt it is one of the chiefest attributes of citizenship under the American Constitution, and the just and constitutional possession of the right is decisive evidence of citizenship. The provisions made by a Constitution on this subject must, therefore, be looked to as bearing directly on the question what persons are citizens under that Constitution; and as being decisive to this extent, that all such persons as are allowed by the Constitution to exercise the elective franchise, and thus to participate in the Government of the United States, must be deemed citizens of the United States. Here, again, the consideration presses itself upon us, that if there was designed to be a particular class of native-born persons within the States, deriving their citizenship from the Constitution and laws of the United States, they should at least have been referred to as those by whom the President and House of Representatives were to be elected, and to whom they should be responsible. Instead of that, we again find this subject referred to the laws of the several States. The electors of President are to be appointed in such manner as the Legislature of each State may direct, and the qualifications of electors of Members of the House of Representatives shall be the same as for electors of the most numerous branch of the State Legislature.

Laying aside, then, the case of aliens, concerning which the Constitution of the United States has provided, and confining our view to free persons born within the several States, we find that the Constitution has recognised the general principle of public law that allegiance and citizenship depend on the place of birth; that it has not attempted, practically, to apply this principle by designating the particular classes of persons who shall or shall not come under it; that when we turn to the Constitution for an answer to the question, what free persons, born within the several States, the only answer we can receive from any of its express provisions is, the citizens of the several States are to enjoy the privileges and immunities of citizens in every State, and their franchise as electors under the Constitution, depends on their citizenship in the several States. Add to this, that the Constitution was ordained by the citizens of the several States; that they were "the people of the United States," for whom and whose posterity the Government was declared, in the preamble of the Constitution, to be made; that each of them was a citizen of the United States at the time of the adoption of this Constitution, within the meaning of those words in that instrument; that by them the Government was to be, and was, in fact, organized; and that no power is conferred on the Government of the Union to discriminate between them, or to disfranchise any of them. The necessary conclusion is, that those persons born within the several States who, by force of their respective Constitutions and laws are citizens of the States, are thereby citizens of the United States.

It may be proper here to notice some supposed objections to this view of the subject.

It has been often asserted that the Constitution was made exclusively by and for the white race. It has already been shown that in five of the thirteen original States, coloured persons then possessed the elective franchise, and were among those by whom the Constitution was ordained and established. If so, it is not true, in point of fact, that the Constitution was made exclusively by the white race. And, that it was made exclusively for the white race is, in my opinion, not only an assumption not warranted by anything in the Constitution, but contradicted by its opening declaration that it was ordained and established by the people of the United States for themselves and their posterity. And as free coloured persons were then citizens of five States, and so in every sense part of the people of the United States, they were among those for whom and whose posterity the Constitution was ordained and established.

Again, it has been objected, that if the Constitution has left to the several States the rightful power to determine who of their inhabitants shall be citizens of the United States, the States may make aliens citizens.

The answer is obvious. The Constitution has left to the States the determination what persons, born within their respective limits, shall acquire by birth citizenship of the United States; it has not left to them any power to prescribe any rule for the removal of the disabilities of alienage. This power is exclusively in Congress.

It has been further objected that if free coloured persons, born within a particular State and made citizens of that State by its Constitution and laws, are thereby made citizens of the United States, then, under the second section of the fourth article of the Constitution, such persons would be entitled to all the privileges and immunities of citizens in the several States; and if so, then coloured persons could vote and be eligible to not only Federal offices, but offices even in those States whose Constitution and laws disqualify coloured persons from voting or being elected to office.

But this position rests upon an assumption which I deem untenable. Its basis is that no one can be deemed a citizen of the United States who is not entitled to enjoy all the privileges and franchises which are conferred on any citizens. (Sec. 1 Lit., Kentucky R., 326.) That this is not true, under the Constitution of the United States, seems to me clear.

A naturalized citizen cannot be President of the United States, nor a Senator till after the lapse of nine years, nor a Representative till after the lapse of seven years from his naturalization. Yet, as soon as naturalized, he is certainly a citizen of the United States. Nor is any inhabitant of the District of Columbia, or of either of the Territories, eligible to the office of Senator or Representative in Congress, though they may be citizens of the United States. So in all of the States, numerous persons, though citizens, cannot vote, or cannot hold office, either on account of their age, or sex, or want of the necessary legal qualifications. The truth is, that citizenship, under the Constitution of the United States, is not dependent on the possession of any particular political, or even of all civil rights; and any attempt so to define it must lead to error. To what citizens the elective franchise shall be confided is a question to be determined by each State, in accordance with its own views of the necessities or expediencies of its condition. What civil rights shall be enjoyed by its citizens, and whether all shall enjoy the same, or how they may be gained or lost, are to be determined in the same way.

One may confine the right of suffrage to white male citizens; another may extend it to coloured persons and females; one may allow all persons above a prescribed age to convey property and transact business; another may exclude married women. But whether native-born women, or persons under age, or under guardianship, because insane, or spendthrifths, be excluded from voting, or holding office, or allowed to do so, I apprehend no one will deny that they are citizens of the United States. Besides, this clause of the Constitution does not confer on the citizens of one State, in all other States, specific and enumerated privileges and immunities. They are entitled to such as belong to citizenship; but not to such as belong to particular citizens attended by other qualifications. Privileges and immunities which belong to certain citizens of a State, by reason of the operation of causes other than mere citizenship, are not conferred. Thus, if the laws of a State require, in addition to citizenship of the State, some qualification for office, or the exercise of the elective franchise, citizens of all other States coming thither to reside and not possessing those qualifications cannot enjoy those privileges, not because they are not to be deemed entitled to the privileges of citizens of the State in which they reside, but because they, in common with the native-born citizens of that State, must have the qualifications prescribed by law for the enjoyment of such privileges, under its Constitution and laws. It rests with the States themselves so to frame their Constitutions and laws as not to attach a particular privilege or immunity to mere naked citizenship. If one of the States will not deny to any of its own citizens a particular privilege or immunity, if it confer it on all of them, by reason of mere naked citizenship, then it may be claimed by every citizen of each State by force of the Constitution.

And it must be borne in mind that the difficulties which attend the allowance of the claims of coloured persons to be citizens of the United States are not avoided by saying that though each State may make them its citizens, they are not thereby made citizens of the United States; because the privileges of general citizenship are secured to the citizens of each State. The language of the Constitution is: "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." If each State may make such persons its citizens, they become, as such, entitled to the benefits of this article, if there be a citizenship of the United States, distinct from the native-born citizenship of the United States, distinct from anative-born citizenship of the several States.

There is one view of this article entitled to consideration in this connection. It is manifestly copied from the fourth of the Articles of Confederation, with only slight changes of phraseology, which renders its meaning more precise, and dropping the clause which excluded paupers, vagabonds and fugitives from justice, probably because these cases could be dealt with under the police powers of the States, and a special provision therefor was not necessary. It has been suggested that in adopting it into the Constitution the words "free inhabitants" were changed for the word "citizens." An examination of the forms of expression commonly used in the State papers of that day, and an attention to the substance of this article of the Confederation will show that the words "free inhabitants," as then used, were synonymous with citizens. When the Articles of Confederation were adopted in July, 1778, we were in the midst of the war of the Revolution, and there were very few persons then embraced in the words free inhabitants who were not born on our soil. It was not a time when many, save the children of the soil, were willing to embark their fortunes in our cause; and though there might be an inaccuracy in the uses of words to call free inhabitants citizens, it was then a technical rather than a substantial difference. If we look into the Constitutions and State papers of that period, we find "the free inhabitants of these colonies," or the "free inhabitants of this State, or Commonwealth," employed to designate those whom we should now denominate citizens. The substance and purpose of the article proved it was in this sense it used these words: It secures to the free inhabitants of each State the privileges and immunities of free citizens in every State. It is not conceivable that the States should have agreed to extend the privileges of citizenship to persons not entitled to enjoy the privileges of citizens in the States where they dwelt; that under this article there was a class of persons in some of the States, not citizens, to whom were secured all the privileges and immunities of citizens when they went into other States, and the just conclusion is, that though the Constitution caused an inaccuracy of language, it left the substance of this article in the National Constitution the same as it was in the articles of confederation.

The history of this fourth article, respecting the attempt to exclude free persons of colour from its operation, has been already stated. It is reasonable to conclude that this history was known to those who framed and adopted the Constitution. That, under this fourth article of Confederation, free persons of colour might be entitled to the privileges of general citizenship, if otherwise entitled thereto, is clear. When this article was, in substance, placed in and made part of the Constitution of the United States, with no change in its language calculated to exclude free coloured persons from the benefits of its provisions, the presumption is, to say the least, strong that the practical effect which it was designed to have and did have under the former government, it was designed to have and should have under the new government.

It may be further objected, that if free coloured persons may be citizens of the United States, it depends only on the will of a master whether he will emancipate his slave, and thereby make him a citizen. Not so. The master is subject to the will of the State. Whether he shall be allowed to emancipate his slave at all; if so, on what conditions; and what is to be the political *status* of the freed man, depends, not on the will of the master, but on the will of the State, upon which the political *status* of all its native-born inhabitants depends. Under the Constitution of the United States each State has retained this power of determining the political *status* of its native-born inhabitants, and no exception thereto can be found in the Constitution. And if a master in a slaveholding State should carry his slave into a free State and there emancipate him, he would not thereby make him a native born citizen of that State, and consequently no privileges could be claimed by such emancipated slave as a citizen of the United States. For, whatever powers the States may exercise to confer privileges of citizenship on persons not born on their soil, the Constitution of the United States does not recognise such citizens. As has already been said, it recognises the great principles of public law, that allegiance and citizenship spring from the place of birth. It leaves to the States the application of that principle to individual cases. It leaves to the citizens of each State the privileges and immunities of citizens in every other State. But it does not allow to the States the power to make aliens citizens, or permit one State to take persons born on the soil of another State, and, contrary to the laws and policy of the State where they were born, make them its citizens, and so citizens of the United States. No such deviation from the great rule of public law was contemplated by the Constitution, and when any such attempt shall be actually made, it is to be met by applying to it those rules of law and those principles of good faith, which will be sufficient to decide it; and not in my judgment, by denying that all the free native-born inhabitants of a State, who are its citizens under its Constitution and laws, are also citizens of the United States.

It has sometimes been urged that coloured persons are shown not to be citizens of the United States by the fact that the naturalization laws apply only to white persons. But whether a person, born in the United States, be or be not a citizen, cannot depend on laws which refer only to aliens and do not affect the *status* of persons born in the United States. The utmost effect which can be attributed to them is, to show that Congress has not deemed it expedient generally to apply the rule to coloured aliens. That they might do so, if thought fit, is clear. The Constitution has not excluded them. And since that has conferred the power on Congress to naturalize coloured aliens, it certainly shows colour is not a necessary qualification for citizenship under the Constitution of the United States. It may be added that the power to make coloured persons citizens of the United States, under the Constitution, has been actually exercised in repeated and important instances. (See the Treaties with the Choctaws of September 27, 1830, Art. 14; with the Cherokees of May 23, 1836, Art. 12; Treaty of Guadalupe Hidalgo, February 2, 1848, Art. 8.)

I do not deem it necessary to review at length the legislation of Congress having more or less bearing on the citizenship of coloured persons. It does not seem to me to have any considerable tendency to prove that it has been considered by the legislative department of the Government that no such persons are citizens of the United States. Undoubtedly, they have been debarred from the exercise of particular rights or privileges extended to white persons; but, I believe, always in terms which, by implication, admit that they may be citizens. Thus, the act of May 17, 1792, for the organization of the militia, directs the enrollment of "every free able-bodied white male citizen." An assumption that none but white persons are citizens would be as inconsistent with the just import of this language as that all citizens are able-bodied or males.

So the act of February 28, 1803 (2 Stat. at Large, 205), to prevent the importation of certain persons into States, when by the laws thereof their admission is prohibited, in its first section, forbids all masters of vessels to import or bring "any negro, mulatto, or other person of colour, not being a native, *a citizen*, or registered seaman of the United States," &c.

The acts of March 3, 1813, Sec. 1 (2 Stat. at Large, 809), and March 1, 1817, Sec. 3 (3 Stat. at Large, 351), concerning seamen, certainly imply there may be persons of colour, natives of the United States, who are not citizens of the United States. This implication is undoubtedly in accordance with the fact. For not only slaves, but free persons of colour, born in some of the States, are certainly not citizens. But there is nothing in these laws inconsistent with the citizenship of persons of colour in others of the States; nor with their being citizens of the United States.

Whether much or little weight should be attached to the particular phraseology of these and other laws, which were not passed with any direct reference to this subject, I consider their tendency to be, as already indicated, to show that in the apprehension of their framers colour was not a necessary qualification of citizenship. It would be strange if laws were found on our statute book to that effect, when, by solemn treaties, large bodies of Mexican and North American Indians have been admitted to citizenship of the United Sates.

In the legislative debates which attended the admission of the State of Missouri into the Union this question was agitated. Its result is found in the resolution of Congress of March 5, 1821, for the admission of that State to the Union. The Constitution of Missouri, under which that State applied for admission into the Union, provided that it should be the duty of the Legislature "to pass laws to prevent free negroes and mulattoes from coming to and settling in the State, under any pretext whatever." One ground of objection to the admission of the State under this Constitution was, that it would require the Legislature to exclude free persons of colour, who would be entitled, under the second section of the fourth article of the Constitution, not only to come within the State, but to enjoy there the privileges and immunities of citizens. The resolution of Congress admitting the State was upon the fundamental condition "that the Constitution of Missouri shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States." It is true that neither the legislative declaration nor anything in the Constitution or laws of Missouri could confer or take away any privilege or immunity granted by the Constitution. But it is also true that it expresses the then conviction of the legislative power of the United States, that free negroes, as citizens of some of the States, might be entitled to the privileges and immunities of citizens in all the States.

The conclusions at which I have arrived on this part of the case are—

First: That the free native-born citizens of each State are citizens of the United States.

Second: That as free coloured persons born within some of the States are citizens of those States, such persons are also citizens of the United States.

Third: That every such citizen, residing in any State, has the right to sue, and is liable to be sued, in the Federal Courts, as a citizen of that State in which he resides.

Fourth: That as the plea to the jurisdiction in this case shows no facts, except that the plaintiff was of African descent, and his ancestors were sold as slaves; and as these facts are not inconsistent with his citizenship of the United States, and his residence in the State of Missouri, the plea to the jurisdiction was bad, and the judgment of the Circuit Court, overruling it, was correct.

I dissent, therefore, from that part of the opinion of the majority of the Court in which it holds that a person of African descent cannot be a citizen of the United States, and I regret I must go further, and dissent both from what I deem their assumption of authority to examine the constitutionality of the act of Congress commonly called the Missouri Compromise act, and the grounds and conclusion announced in their opinion.

Having first decided that they were bound to consider the sufficiency of the plea to the jurisdiction of the Circuit Court, and having decided that this plea showed that the Circuit Court had not jurisdiction, and consequently that this is a case to which the judicial power of the United States does not extend, they have gone on to examine the merits of the case as they appeared on the trial before the Court and jury upon the issues joined on the pleas in bar; and so have reached the question of the power of Congress to pass the act of 1820. On so grave a subject as this, I feel obliged to say that, in my opinion, such an exertion of judicial power transcends the limits of the authority of the Court, as described by its repeated decisions, and as acknowledged in this opinion by the majority of the Court.

In the course of that opinion it became necessary to comment on the case of Le Grand *vs.* Damrell, reported in 2 Peters, R. 664. In that case a bill was filed by one alleged to be a citizen of Maryland, against one alleged to be a citizen of Pennsylvania. The bill stated that the defendant was the son of a white man by one of his slaves, and the defendant's father devised to him certain lands, the title to which was put in controversy by the bill. These facts were admitted in the answer, and upon these and other facts the Court made its decree founded on the principle that a devise of land by a master to a slave was by implication also a bequest of his freedom. The facts that the defendant was not only of African descent, but was born a slave, were not duly before the Court, but entered into the entire substance of its inquiries. The opinion of the majority of my brethren in this case disposes of the case of Legrand *vs.* Damrell, by saying, in substance, that as the fact that the defendant was born a slave only came before this Court on the bill and answer, it was then too late to raise the question of the personal disability of the party, and, therefore, that decision is altogether inapplicable in this case.

In this I concur. Since the decision of this Court in Livingston *vs.* Story, 11 Peters, 351, the law has been settled that when the declaration or bill contains the necessary averments of citizenship, this Court cannot look at the record to see whether those averments are true, except so far as they are put in issue by a plea to the jurisdiction. In that case the defendant denied by his answer that Mr. Livingston was a citizen of New York as he had alleged in the bill. Both parties went into proofs. This Court refused to examine those proofs, with reference to the personal disability of the plaintiff. This is the settled law of the Court affirmed so lately as Shephard *vs.* Graves, 14 How. 27. But I do not understand this to be a rule which the Court may depart from at its pleasure. If it be a rule, it is as binding on the Court as on the suitors. If it removes from the latter the power to take any objection to the personal disability of a party alleged by the record to be competent, which is not shown by a plea to the jurisdiction, it is because the Court are forbidden by law to consider and decide on objections so taken. I do not consider it to be within the scope of the judicial power of the majority of the Court to pass upon any question respecting the plaintiff's citizenship in Missouri, save that raised by the plea to the jurisdiction, and I do not consider any opinion of this Court or any Court binding when expressed on a question not legitimately before it (Carroll *vs.* Carroll, 16 How. 275). The judgment of this Court is that the case is to be dismissed for want of jurisdiction. Into that judgment, according to the settled course of this Court, nothing appearing after a plea to the merits can enter. A great question of constitutional law, deeply affecting the peace and welfare of the country, is not, in my opinion, a fit subject to be thus reached.

WAS THE PLAINTIFF MADE FREE BY A RESIDENCE IN WISCONSIN?

The residence of the plaintiff in the State of Illinois and and the residence of himself and his wife in the territory acquired from France lying north of latitude 36 deg. 30 min., and north of the State of Missouri, are each relied on by the plaintiff in error. As the residence in the territory affects the plaintiff's wife and children as well as himself, I must inquire what was its effect.

The general question may be stated to be, whether the plaintiff's *status*, as a slave, was so changed by his residence within that Territory that he was not a slave in the State of Missouri at the time this action was brought.

In such cases, two inquiries arise, which may be confounded, but should be kept distinct.

The first is, what was the law of the territory into which the master and slave went, respecting the relation between them.

The second is, whether the State of Missouri recognises and allows the effect of that law on the *status* of the slave on his return within its jurisdiction.

As to the first of these questions, the will of states and nations, by whose municipal law slavery is not recognised, has been manifested in three different ways.

One is, absolutely to dissolve the relation, and terminate the rights of the master existing under the law of the country whence the parties came. This is said by Lord Stowell, in the case of the Slave Grace (2 Hagg. Ad. R., 94), and by the Supreme Court of Louisiana in the case of Maria Louise *agt.* Marat (9 Louis, R. 473), to be the law of France; and it has been the law of several States of this Union, in respect to slaves introduced under certain conditions. Wilson *agt.* Isabell, 5 Calls R. 430; Hunter *agt.* Hulcher, 1 Leigh, 172; Stewart *agt.* Oaks, 5 Har. & John. 107.

The second is, where the municipal

inference required by the words of exception. That exception is, of cases of fugitive slaves. An exception from a prohibition marks the extent of the prohibition; for it would be absurd, as well as useless, to except from a prohibition a case not contained within it. (9 Whea. 200.) I must conclude, therefore, that it was the will of Congress that the state of involuntary servitude of a slave, coming into the Territory with his master, should cease to exist. The Supreme Court of Missouri so held in Rachel *vs.* Walker, 4 Missouri Rep., 350, which was the case of a military officer going into the Territory with two slaves.

But it is a distinct question whether the law of Missouri recognised and allowed effect to the change wrought in the *status* of the plaintiff, by force of the laws of the Territory of Wisconsin.

I say the law of Missouri, because a judicial tribunal in one State, or nation, can recognise personal rights acquired by force of the law of any other State or nation, only so far as it is the law of the State that those rights should be recognised. But, in the absence of positive law to the contrary, the will of every civilized State must be presumed to be to allow such effect to foreign laws as is in accordance with the settled rules of international law. And legal tribunals are bound to act on this presumption. It may be assumed that the motive of the State in allowing such operation to foreign laws is what has been termed comity.

But, as has justly been said (per Chief Justice Taney, 13 Pet. 589), it is the comity of the State, not of the court. The judges have nothing to do with the motive of the State. Their duty is simply to ascertain and give effect to its will. And when it is found by them that its will to depart from a rule of international law has not been manifested by the State, they are bound to assume that its will is to give effect to it. Undoubtedly, every sovereign State may refuse to recognise a change, wrought by the law of a foreign State, on the *status* of a person, while within such foreign State, even in cases where the rules of international law require that recognition. Its will to refuse such recognition may be manifested by what we term statute law, or by the customary law of the State. It is within the province of its judicial tribunals to inquire and adjudge whether it appears, from the statute or customary law of the State, to be the will of the State to refuse to recognise such changes of *status* by force of foreign law, as the rules of the law of nations require to be recognised. But, in my opinion, it is not within the province of any judicial tribunal to refuse such recognition from any political consideration, or any view it may take of the exterior political relations between the State and one or more foreign States, or any impressions it may have that a change of foreign opinion and action on the subject of slavery may afford a reason why the State should change its own action. To understand and give just effect to such considerations, and to change the action of the State in consequence of them, are functions of diplomatists and legislators, not of judges.

The inquiry to be made on this part of the case is, therefore, whether the State of Missouri has, by its statute or its customary law, manifested its will to displace any rule of international law applicable to a change of the *status* of a slave by foreign law.

I have not heard it suggested that there was any statute of the State of Missouri bearing on this question. The customary law of Missouri is the common law introduced by statute in 1816 (1 Ter. Laws, 436). And the common law, as Blackstone says (4 Com., 67), adopts, in its full extent, the law of nations, and holds it to be a part of the law of the land.

I know of no sufficient warrant for declaring that any rule of international law, concerning the recognition, in that State, of a change of *status*, wrought by an extra territorial law, has been displaced, or varied by the will of the State of Missouri.

I proceed, then, to inquire what the rules of international law prescribe concerning the change of *status* of the plaintiff wrought by the law of the Territory of Wisconsin.

It is generally agreed by writers upon international law—and the rule has been judicially applied in great numbers of cases—that wherever any question may arise concerning the *status* of a person, it must be determined according to that law which has next previously rightfully operated on and fixed that *status*. And, further, that the laws of a country do not rightfully operate upon and fix the *status* of persons who are within its limits *in itinere*, or who are abiding there for definite temporary purposes, as for health, curiosity or occasional business; that these laws, known to writers on public and private international law as personal statutes, operate only on the inhabitants of the country. Not that it is or can be denied that each independent nation may, if it thinks fit, apply them to all persons within their limits. But when this is done, not in conformity with the principles of international law, other States are not understood to be willing to recognise or allow effect to such applications of personal statutes

It becomes necessary, therefore, to inquire whether the operation of the laws of the territory of Wisconsin upon the *status* of the plaintiff was or was not such an operation as these principles of international law require other States to recognise, and allow effect to.

And this renders it needful to attend to the particular facts and circumstances of this case.

It appears that this case came on for trial before the Circuit Court and a jury, upon an issue, in substance, whether the plaintiff, together with his wife and children, were the slaves of the defendant.

The Court instructed the jury that "upon the facts in this case, the law is with the defendant." This withdrew from the jury the consideration and decision of every matter of fact. The evidence in the case consisted of written admissions, signed by the counsel of the parties. If the case had been submitted to the judgment of the Court, upon an agreed statement of facts, entered of record, in place of a special verdict, it would have been necessary for the Court below, and for this Court, to pronounce its judgment solely on those facts, thus agreed, without inferring any other facts therefrom. By the rules of the common law applicable to such a case, and by force of the seventh article of the amendments of the Constitution, this Court is precluded from finding any fact not agreed to by the parties on the record. No submission to the Court on a statement of facts was made. It was a trial by jury in which certain admissions, made by the parties, were the evidence. The jury were not only competent, but were bound to draw from that evidence every inference which, in their judgment, exercised according to the rules of law, it would warrant. The Circuit Court took from the jury the power to draw any inferences from the admissions made by the parties, and decided the case for the defendant. This course can be justified here, if at all, only by its appearing that upon the facts agreed, and all such inferences of fact favourable to the plaintiff's case, as the jury might have been warranted in drawing from those admissions, the law was with the defendant. Otherwise, the plaintiff would be deprived of the benefit of his trial by jury, by whom, for aught we can know, those inferences favourable to his case would have been drawn.

The material facts bearing on this part of the case are, that Doctor Emerson, the plaintiff's master, resided about two years at the military post of Fort Snelling, being a surgeon in the army of the United States, his domicil of origin being unknown, and what, if anything, he had done to preserve or change his domicil prior to his residence at Rock Island being also unknown.

Now, it is true that under some circumstances the residence of a military officer at a particular place, in the discharge of his official duties, does not amount to the acquisition of a technical domicil. But it cannot be affirmed, with correctness, that it never does. There being actual residence, and this being presumptive evidence of domicil, all the circumstances of the case must be considered before a legal conclusion can be reached that his place of residence is not his domicil. If a military officer stationed at a particular post should entertain an expectation that his residence there would be indefinitely protracted, and, in consequence, should remove his family to the place where his duties were to be discharged, form a permanent domestic establishment there, exercise there the civil rights and discharge the civil duties of an inhabitant, while he did not act and manifested no intent to have a domicil elsewhere, I think no one would say that the mere fact that he was himself liable to be called away by the orders of the government would prevent his acquisition of a technical domicil at the place of the residence of himself and his family. In other words, I do not think a military officer incapable of acquiring a domicil (Bruce *agt.* Bruce, 2 Bos. and Pul., 230; Munroe *agt.* Douglass, 5 Mad. Ch. R. 232). This being so, this case stands thus: There was evidence before the jury that Emerson resided about two years at Fort Snelling, in the Territory of Wisconsin. This may, or may not, have been with such intent as to make it his technical domicil. The presumption is that it was. It was so laid down by this Court, in Ennis *agt.* Smith, 14 How., and the authorities in support of the position are there referred to. His intent was a question of fact for the jury (Fitchburg *agt.* Winchendon, 4 Cush. 190).

The case was taken from the jury. If they had power to find that the presumption of the necessary intent had not been rebutted, we cannot say, on this record, that Emerson had not his technical domicil at Fort Snelling. But, for reasons which I shall now proceed to give, I do not deem it necessary, in this case, to determine the question of the technical domicil of Dr. Emerson.

It must be admitted that the enquiry whether the law of a particular country has rightfully fixed the *status* of a person, so that in accordance with the principles of international law that *status* should be recognised in other jurisdictions, ordinarily depends on the question whether the person was domiciled in the country whose laws are asserted to have fixed his *status*. But, in the United States, questions of this kind may arise, where an attempt to decide solely with reference to technical domicil, tested by the rules which are applicable to changes of places of abode from one country to another, would not be consistent with sound principles. And, in my judgment, this is one of those cases.

The residence of the plaintiff, who was taken by his master, Dr. Emerson, as a slave, from Missouri to the State of Illinois and thence to the Territory of Wisconsin, must be deemed to have been, for the time being, and until he asserted his own separate intention, the same as the residence of his master; and the enquiry, whether the personal statutes of the Territory were rightfully extended over the plaintiff, and ought, in accordance with the rules of international law, to be allowed to fix his *status*, must depend upon the circumstances under which Doctor Emerson went into that Territory, and remained there, and upon the further question whether anything was there rightfully done by the plaintiff to cause those personal statutes to operate on him.

Doctor Emerson was an officer in the army of the United States. He went into the Territory to discharge his duty to the United States. The place was out of the jurisdiction of any particular State, and within the exclusive jurisdiction of the United States. It does not appear where the domicil or origin of Doctor Emerson was, nor whether or not he had lost it and gained other domicil, nor of what particular State, if any, he was a citizen.

DRED SCOTT FREE BY THE EFFECT OF THE LAWS OF THE UNITED STATES.

On what ground can it be denied that all valid laws of the United States, constitutionally enacted by Congress for the Government of the Territory, rightfully extended over an officer of the United States and his servant, who went into the Territory to remain there for an indefinite length of time, to take part in its civil or military affairs? They were not foreigners, coming from abroad. Doctor Emerson was a citizen of the country which had exclusive jurisdiction over the Territory; and not only a citizen, but he went there in a public capacity, in the service of the same sovereignty which made the laws. Whatever those laws might be, whether of the kind denominated personal statute, or not, so far as they were intended by the legislative will, constitutionally expressed, to operate on him and his servant, and on the relations between them, they had a rightful operation, and no other State or country can refuse to allow that those laws might rightfully operate on the defendant and his servant, because such a refusal would be a denial that the United States could, by laws constitutionally enacted, govern their own servants, residing on their own Territory, over which the United States had the exclusive control, and in respect to which they are an independent sovereign power. Whether the laws now in question were constitutionally enacted, I repeat once more, in a separate question. But, assuming that they were and that they operated directly on the *status* of the plaintiff, I consider that no other State or country could question the rightful power of the United States so to legislate, or, consistently with the settled rules of international law, could refuse to recognise the effects of such legislation upon the *status* of their officers and servants as valid everywhere.

This alone would, in my apprehension, be sufficient to decide this question.

EFFECT OF DRED SCOTT'S MARRIAGE.

But there are other facts stated on the record which should not be passed over. It is agreed that, in the year 1836, the plaintiff, while residing in the Territory, was married, with the consent of Doctor Emerson, to Harriet, named in the declaration as his wife, and that Eliza and Lizzie were the children of that marriage, the first named having been born on the Mississippi River north of the line of Missouri, and the other having been born after their return to Missouri. And the inquiry is, whether, after the marriage of the plaintiff in the Territory, with the consent of Doctor Emerson, any other State or country can, consistently with the settled rules of international law, refuse to recognise and treat him as a free man, when suing for the liberty of himself, his wife and the children of that marriage. It is in reference to his *status* as viewed in other States and countries, that the contract of marriage and the birth of children becomes strictly material. At the same time, it is proper to observe that the female to whom he was married having been taken to the same military post of Fort Shelling as a slave, and Doctor Emerson claiming also to be her master at the time of her marriage, her *status*, and that of the children of the marriage, are also affected by the same considerations.

If the laws of Congress governing the territory of Wisconsin were constitutional and valid laws, there can be no doubt these parties were capable of contracting a lawful marriage, attended with all the usual civil rights and obligations of that condition. In that Territory they were absolutely free persons, having full capacity to enter into the civil contract of marriage.

It is a principle of international law, settled beyond controversy in England and America, that a marriage, valid by the law of the place where it was contracted, and not in fraud of the law of any other place, is valid everywhere; and that no technical domicil at the place of the contract is necessary to make it so. (See Bishop on Mar. and Div., 125–9, where the cases are collected.)

If, in Missouri, the plaintiff were held to be a slave, the validity and operation of his contract of marriage must be denied. He can have no legal rights; of course, not those of a husband and father. And the same is true of his wife and children. The denial of his rights is the denial of theirs. So that, though lawfully married in the Territory, when they came out of it, into the State of Missouri, they were no longer husband and wife; and a child of that lawful marriage, though born under the same dominion where its parents contracted a lawful marriage, is not the fruit of that marriage, nor the child of its father, but subject to the maxim, *partus sequitur ventrem*.

It must be borne in mind that in this case there is no ground for the inquiry, whether it be the will of the State of Missouri not to recognise the validity of the marriage of a fugitive slave, who escaped into a State or country where slavery is not allowed, and there contracts a marriage; or the validity of such a marriage, where the master, being a citizen of the State of Missouri, voluntarily goes with his slave, *in itinere*, into a State or country which does not permit slavery to exist, and the slave there contracts marriage without the consent of his master. For, in this case, it is agreed, Doctor Emerson did consent. And no further question can arise concerning his rights, so far as their assertion is inconsistent with the validity of the marriage. Nor do I know of any ground for the assertion that this marriage was in fraud of any law of Missouri.

It has been held by this Court, that a bequest of property by a master to his slave, by necessary implication entitles the slave to his freedom; because, only as a freeman could he take and hold the bequest. (Le Grand *agt.* Darnail, 2 Pet. R., 664.) It has also been held, that when a master goes with his slave to reside for an indefinite period in a State where slavery is not tolerated, this operates as an act of manumission; because it is sufficiently expressive of the consent of the master that the slave should be free (2 Marshall's Ken. R., 470; 14 Martin's Louis. R., 401).

What, then, shall we say of the consent of the master that the slave may contract a lawful marriage, attended with all the civil rights and duties which belong to that relation; that he may enter into a relation which none but a freeman can assume—a relation which involves not only the rights and duties of the slave, but those of the other party to the contract, and of their descendants to the remotest generation. In my judgment, there can be no more effectual abandonment of the legal rights of a master over his slave than by the consent of the master that the slave should enter into a contract of marriage, in a free State, attended by all the civil rights and obligations which belong to that condition.

And any claim by Dr. Emerson, or any one claiming under him, the effect of which is to deny the validity of this marriage, and the lawful paternity of the children born from it, wherever asserted, is, in my judgment, a claim inconsistent with good faith and sound reason, as well as with the rules of international law. And I go further: in my opinion, a law of the State of Missouri, which should thus annul a marriage, lawfully contracted by these parties while resident in Wisconsin, not in fraud of any law of Missouri, or of any right of Doctor Emerson, who consented thereto, would be a law impairing the obligation of a contract, and within the prohibition of the Constitution of the United States. (See 4 Whea., 629, 695, 696.)

To avoid misapprehension on this important and difficult subject, I will state, distinctly, the conclusions at which I have arrived. They are:

First: The rules of international law respecting the emancipation of slaves, by the rightful operation of the laws of another State or country, upon the *status* of the slave, while resident in such foreign State or country, are part of the common law of Missouri, and have not been abrogated by any statute law of that State.

Second: The laws of the United States, constitutionally enacted, which operated directly on, and changed the *status* of a slave coming into the Territory of Wisconsin with his master, who went thither to reside for an indefinite length of time, in the performance of his duties as an officer of the United States, had a rightful operation on the *status* of the slave, and it is in conformity with the rules of international law that this change of *status* should be recognised everywhere.

Third: The laws of the United States, in operation in the Territory of Wisconsin at the time of the plaintiff's residence there, did act directly on the *status* of the plaintiff, and change his *status* to that of a free man.

Fourth: The plaintiff and his wife were capable of contracting, and, with the consent of Dr. Emerson, did contract a marriage in that Territory, valid under its laws, and the validity of this marriage cannot be questioned in Missouri, save by showing that it was in fraud of the laws of that State, which cannot be shown in this case, because the master consented to it.

Fifth: That the consent of the master that his slave, residing in a country which does not tolerate slavery, may enter into a lawful contract of marriage, attended with the civil rights and duties which belong to that condition, is an effectual act of emancipation. And the law does not enable Doctor Emerson, or any one claiming under him, to assert a title to the married persons as slaves, and thus destroy the obligation of the contract of marriage, and bastardize their issue, and reduce them to slavery.

A DECISION OF THE SUPREME COURT OF MISSOURI CONSIDERED.

But it is insisted that the Supreme Court of Missouri has settled this case by its decision in Scott *agt.* Emerson (15 Missouri Reports, 576), and that this decision is in conformity with the weight of authority elsewhere, and with sound principles. If the Supreme Court of Missouri had placed its decision on the ground that it appeared Doctor Emerson never became domiciled in the Territory, and so its laws could not rightfully operate on him and his slave; and the facts that he went there to reside indefinitely as an officer of the United States, and that the plaintiff was lawfully married there, with Doctor Emerson's consent, were left out of view, the decision would find support in other cases, and I might not be prepared to deny its correctness.

But the decision is not rested on this ground. The domicil of Doctor Emerson in that Territory is not questioned in that decision; and it is placed on a broad denial of the operation in Missouri of the law of any foreign State or country upon the *status* of a slave, going with his master from Missouri into such foreign State or country, even though they went thither to become, and actually became, permanent inhabitants of such foreign State or country, the laws whereof acted directly on the *status* of the slave and changed his *status* to that of a freeman.

To the correctness of such a decision I cannot assent. In my judgment, the opinion of the majority of the Court in that case is in conflict with its previous decisions, with a great weight of judicial authority in other slaveholding States, and with fundamental principles of private international law. Mr. Chief Justice Gamble, in his dissenting opinion in that case, said:

"I regard the question as conclusively settled by repeated adjudications of this Court; and if I doubted or denied the propriety of those decisions, I would not feel myself any more at liberty to overturn them than I would any other series of decisions by which the law upon any other question had been settled. There is, with me, nothing in the law of slavery which distinguishes it from the law on any other subject, or allows any more accommodation to the temporary excitements which are gathered around it. * * * * But in the midst of all such excitement, it is proper that the judicial mind, calm and self-balanced, should adhere to principles established when there was no feeling to disturb the view of the legal questions upon which the rights of parties depend."

"In this State it has been recognised from the beginning of the Government as a correct position in law, that the master who takes his slave to reside in a State or territory where slavery is prohibited, thereby emancipated his slave. (Winney *agt.* Whiteside, 1 Mo. 473; Le Grange *agt.* Chouteau, 2 Mo. 20; Milley *agt.* Smith, Ib. 36; Ralph *agt.* Duncan, 3 Mo. 194; Julia *agt* McKinney, Ib. 270; Nat *agt.* Ruble, Ib. 400; Rachel *agt.* Walker, 4 Mo. 350; Wilson *agt.* Melvin, 592.)"

Chief Justice Gamble has also examined the decisions of the courts of other States, in which slavery is established, and finds them in accordance with these preceding decisions of the Supreme Court of Missouri to which he refers.

It would be a useless parade of learning to go over the ground which he has so fully and ably occupied.

But it is further insisted we are bound to follow this decision. I do not think so. In this case, it is to be determined what laws of the United States were in operation in the Territory of Wisconsin, and what was their effect on the *status* of the plaintiff—could the plaintiff contract a lawful marriage there—does any law of the State of Missouri impair the obligation of that contract of marriage, destroy his rights as a husband, bastardize the issue of the marriage and reduce them to a state of slavery?

These questions, which arise, exclusively, under the Constitution and laws of the United States, this Court, under the Constitution and laws of the United States, has the rightful authority finally to decide. And, if we look beyond these questions, we come to the consideration whether the rules of international law, which are part of the laws of Missouri, until displaced by some statute, not alleged to exist, do or do not require the *status* of the plaintiff, as fixed by the laws of the Territory of Wisconsin, to be recognised in Missouri. Upon such a question, not depending on any statute or local usage, but on principles of universal jurisprudence, this Court has repeatedly asserted, it could not hold itself bound by the decisions of State courts, however great respect might be felt for their learning, ability and impartiality. (See Swift *agt.* Tyson, 16 Peters R., 1; Carpenter *agt.* the Providence Insurance Company, Ib., 495; Foxcroft *agt.* Mallet, 4 How., 353; Rowan *agt.* Runnells, 5 How., 134.)

Some reliance has been placed on the fact that the decision in the Supreme Court of Missouri was between these parties, and the suit there was abandoned to obtain another trial in the courts of the United States.

In Homer *agt.* Brown, 16 How., 354, this Court made a decision upon the construction of a devise of lands, in direct opposition to the unanimous opinion of the Supreme Court of Massachusetts, between the same parties, respecting the same subject matter: the claimant having become nonsuit in the State Court, in order to bring his action in the Circuit Court of the United States. I did not sit in that case, having been of counsel for one of the parties while at the bar; but, on examining the report of the argument of the counsel for the plaintiff in error, I find they made the point, that this Court ought to give effect to the construction put upon the will by the State Court, to the end that rights respecting lands may be governed by one law, and that, the law of the place where the lands are situated; that they referred to the State decision of the case, reported in 3 Cushing, 390, and to many decisions of this Court. But this Court does not seem to have considered the point of sufficient importance to notice it in their opinions.

When the decisions of the highest court of a State are directly in conflict with each other, it has been repeatedly held, here, that the last decision is not necessarily to be taken as the rule. (State Bank *agt.* Knoop, 16 How., 369; Pease *agt.* Peck, 18 How., 599.)

To these considerations I desire to add, that it was not made known to the Supreme Court of Missouri, so far as appears, that the plaintiff was married in Wisconsin with the consent of Dr. Emerson, and it is not made known to us that Dr. Emerson was a citizen of Missouri, a fact to which that Court seem to have attached much importance.

Sitting here to administer the law between these parties, I do not feel at liberty to surrender my own convictions of what the law requires to the authority of the decision in 15 Missouri Reports.

TO BE CONCLUDED NEXT WEEK.

National Anti-Slavery Standard.

WITHOUT CONCEALMENT—WITHOUT COMPROMISE.

NEW YORK, SATURDAY, MARCH 21, 1857.

SLAVERY SEEN IN THE FUTURE.

Extract from an unpublished Review, dated February, 2057.

Our readers are all aware that soon after the discovery by Europeans of the continent which their children now fill, they were led by various circumstances to introduce a peculiar system of slavery. On the other side of the globe, both in ancient times and in modern, in the Orient and the Occident, servitude, under various forms of greater or less severity, had prevailed, a relic of national hostilities, a lingering element of barbarism, justified by considerations kindred to the imperfect growth of society, or tolerated as an evil perceived, but an evil for which the remedy was not discovered. But in the sixteenth and seventeenth centuries this new and peculiar system appeared and established itself under the combined influences of avarice, of ambition and pride, reinforced by lust and indolence. Incredible as it seems to us, now that the lights of Christianity and intellect shine so much brighter on the world, it is still matter of fact that the governments of Europe permitted a traffic to be opened and carried on between their American Colonies and the western coast of Africa, in which the great article of trade was the human being. History makes it too certain for us to question that thousands, perhaps millions, were procured by such means as the merchants were able to command, for the purpose, ultimately carried out, of being sold in America for slaves; the victims themselves of this horrid commerce, and their descendants so long as the African blood could be traced in them, doomed to a slavery which defined them as property held or transferred at the will of the purchaser. The natural effects of this system followed, as they must. Marriage among the slaves became a dissoluble connection, often a temporary concubinage. Between the husband and wife, between the parent and the child, between brothers and sisters, an anomalous relation intervened, establishing the obligation due from each to the master as paramount to all other. Tyrannies on the side of the oppressor, servilities on the side of the slave—adulteries proceeding from base lusts and enforced on prostrate victims—pollutions, oppressions, discords, secret enmities, habits of brutal violence—all which makes servitude degrading anywhere, all which corresponds to its peculiar aspects in America—became facts in society, and left of themselves sad records and enduring monuments.

But our object is not to present either a history of American slavery or to describe its atrocious features. The thing which has astonished us, and which will equally astonish our readers, is what we have recently noticed in regard to the perversion of political and moral, and especially religious, sentiment, exhibited in connection with the endeavour to bring this enormity to its deserved end. The sacredness of English soil to freedom had been solemnly proclaimed within the last half of the eighteenth century. St. Domingo had won independence through insurrection. The commerce in slaves on the coast of Africa had been prohibited by principal powers both in Europe and in America near the beginning of the nineteenth century. Several Spanish Colonies became independent, and abolished slavery. England came at length to the great decision which freed almost a million of slaves held in her West Indian Islands. And as one development of the feeling thus rising to ascendancy, about the commencement of the third decade in the same century, now more than two hundred years ago—how rapid the changes in the moral world!—the purpose took shape in a few souls to rid the communities known as the United States of the monstrous barbarism. Looking into our own souls, we can detect no feeling or thought but would have given instant and glowing sympathy to this humane purpose; looking into our Scriptures, the same which they read two or three centuries since, and especially to the character and the words of Jesus, and the attributes of his Father and our Father, of his God and our God, we can find only condemnation of the oppression, nothing but annunciation of deliverance and justice to those outraged captives; looking into the church, opened as the rest of every wearied soul, as the shrine of God's justice and love to mankind, the temple within which there is no high, no low, no great, no small, but all are one in Christ Jesus, we can imagine only sympathy to such of her children as sought to bless the slave, only rebuke or severer sorrow to such as would prolong his bondage or justify the tyrant who held him enthralled. Nay, looking only to the more outward and less essential doctrines of political economy or social habits, we can see nothing which vindicates this old iniquity, nothing indeed but condemns it as wasteful and demoralizing.

Judge, then, our wonder! The other day we chanced to find some stray pamphlets and newspapers, and even a few little books in the style of the nineteenth century, treating of this very subject. We had known something before from the general statements of history: now we met, as face to face, the living men and women of those times. Would you belive it? Teachers of religion were not only backward in affirming their sympathy, but forward in expressing their antipathy to the fresh impulses of freedom. We found them pleading Scripture for slavery, and summoning, not only Moses, but even Jesus and his Apostles, to utter their justifications of it. We found the old papal engine of excommunication brought out into congregational churches, to silence the voices which sought to be heard in behalf of freedom. We found they were ready to write and preach and publish denunciations of men called reformers, abolitionists, incendiaries, and eulogies of the Union and its eloquent advocates; but we marked at the same time that if other religious teachers, really detaching themselves from all strifes of political parties, totally separate from all temporary factions, did now and then, by voice or pen, in prayer or sermon, seek to apply the Divine Law to this outrage on all justice and humanity, to rouse abhorrence of national sin and sympathy with national reformation, to inspire men with reverence to the Law which God has written in the heart, and which through the courses and terminations of human systems remains always young; those simple teachers were branded, forsooth, as preachers of politics, as meddlers with subjects "of which the pulpit knows little, and is thought to know less than it does." Our surprise was of course the less when we came to what they used to call the secular papers and other monuments of business and politics. If the Church proclaim evil good, and good evil—if the religion consecrate impiety or crime as innocence, as justice, as kindness, as piety—if the soul unlearn its visions of love and freedom—we naturally expect a corresponding process in the State, the political order, the body through which the vital powers act. So we find it. The central parliament, denominated the Federal Congress; the legislative assemblies of the several States; popular assemblies in convention; popular orators, periodicals of every degree, editors of newspapers; these all sought either an enforced silence at least concerning slavery or denunciation rather of the more zealous efforts in behalf of universal liberty. We found clergymen and unbelievers, those who modestly eschewed politics and those whose sole distinction arose from their being violent partisans, orthodox saints and excommunicated heretics, men who made long prayers and men apparently innocent of praying at all, strangely drawn and welded together in Church or in State, made one in their common zeal for Union—a vow which we soon learned to interpret as the Power of the Slaveholders concentrated in the Federal Government, cheerfully borne, accepted, carried out, through all the States. Never, indeed, have we seen so fully discovered the potency there is in words: the thing is let go, the word is held fast. Union is lost, the name remains. Tyranny reigns, but it calls itself the Right.

We have much else to say; but there is not time now. Let our readers muse on these outlines, and remember what was passing in America two hundred years ago. They will not, we think, forbear to thank the Providence which has assigned their existence to an age of which so many complain that it is degenerate; to this twenty-first century, which, looking back on slavery as an obsolete thing, is yet called to gird itself for new conflicts with each, as it rises, of the ever-changing forms of Evil.

THE AMERICAN TRACT SOCIETY.

The admirable letter of Judge Jay (noticed in last week's Standard) to the Committee chosen by the American Tract Society to inquire into the proceedings of its Executive Committee in relation to Slavery—in connection with the announcement, by Rev. J. P. Thompson of *The Independent*, that a new tract, which treats of the influence of slavery on the family relation, and the soundness and moderation of which are certified by Professor Wayland and Bishop Clark of Rhode Island, has just been offered to the Tract Society for publication—remind us of the permission which we have received to publish the copy of a letter, sent to that Society about a year ago by one of its Life Members resident in New England. This letter is as follows:

"To the Executive Committee of the American Tract Society.

"Gentlemen: Since the promotion of vital godliness and sound morality is specified in the Constitution of the Tract Society as one of the primary objects for which your tracts are published—

"And since you have hitherto systematically refrained from publishing anything in rebuke of slavery, one of the very greatest obstacles in this country to the promotion, both of vital godliness and sound morality—

"And since it has often been said by your apologists, and is clearly implied by your recently published circular, that no tract plainly rebuking slavery would be calculated to secure the approbation of all evangelical Christians—

"I feel bound—as a Life Member of your Society, a contributor for many years to its funds, and a patient waiter for many years in the hope that your silence on the subject of slavery was only delay, and not *refusal* to testify against that great sin—frankly to express to you my convictions on this subject, as follows.

"Believing that, on the ground both of natural and revealed religion, slaveholding is a sin, as plainly as theft, robbery, drunkenness, adultery and murder, it seems to me that it comes as manifestly within your proper function to testify plainly against it as against these.

"Moreover, as you do not suffer any objection known or presumed to exist on the part of thieves, robbers, drunkards, adulterers or murderers to weigh with you *as an objection of evangelical Christians* to the publication of tracts rebuking these sins, but rather take such objections as sufficient proof of the unregenerated state of the men who make them, and an additional stimulus to the publication of Christian truth and light upon those subjects, so it seems to me that you should deal with the sin of slaveholding; not for a moment admitting that those who live in the indulgence of that wickedness can be considered evangelical Christians, or that *their* objection to such tracts can be regarded in any other light than as showing the need that you should speedily publish and widely diffuse them.

"For these reasons I hope, and as far as the opinion of an individual can have weight with your Society I earnestly request, that you will forthwith take measures for the publication of tracts rebuking the great central sin of slaveholding, and the many other sins which usually and naturally accompany it.

"Wishing for the Tract Society prosperity in proportion to its purity and faithfulness, I subscribe myself

"Your friend and servant, ——— ———."

Many such letters must, within a few years past, have been written to the Tract Society by its patient and long-suffering friends; but this one seems to us to touch precisely the most important point. We neither forget nor disregard the admission, which justice to the Tract Society requires, that it is, essentially, a Society of compromise and expediency, and thus *cannot* take the highest ground of morality and religion. It tied its own hands, at the very commencement, from *ever* occupying *this* ground, by the agreement never to censure the Episcopalians, Methodists, Baptists, Presbyterians and Orthodox Congregationalists who form its constituent parts, in any matter essential to their position *as* Episcopalians, Methodists, Baptists, Presbyterians and Orthodox Congregationalists. Now each of these sects thinks each of the others deficient or faulty in some respects, and thinks that if all the others would come over to *it*, and heartily coöperate in *its* ideas and methods, an important advance would be made in the extension of pure and undefiled religion. But, knowing this to be out of the question, and wishing to secure the advantage of coöperation among all these sects in regard to matters which they all agree in deeming *essential*, each of these agrees to retire from what it individually considers the highest and best position, *so far* as to leave undisturbed the matters in controversy between itself and its partners. Thus, as we have said, each of the sects combined in the American Tract Society is estopped, by the very terms of the union, from giving *its* share of impulse to the combined action in the direction of what seems *to it* the highest moral and religious truth. The Society being thus, by its very nature, one of expediency and compromise, cannot possibly occupy the *highest* ground of Gospel truth.

But this amount of inevitable limitation neither compels nor authorizes the Tract Society deliberately to choose and persistently to retain the very *lowest* ground of combined action. If they cannot walk, dry-shod, over the bridge, they might at least take the best ford, or the second best, and not plunge, up to the neck, in the slough of sin, and insist upon staying there. Their Constitutional limitation requires merely that their publications shall be "*calculated* to meet the approbation of all evangelical Christians," that is, while carefully preserving the essential matters in which the five combined sects *agree*, carefully to avoid infringing on those minor technical requisitions, either in the department of faith or of works, which constitute them severally Episcopalians, Methodists, Baptists, Presbyterians and Orthodox Congregationalists. Observe! The limitation does not include those matters of custom which are left open to individuals to practice or not (as they may *infer* their agreement or discrepancy with the standard of faith and practice), but only to those *requisitions of the church covenant* which mark the peculiarities, severally, of Episcopalians, Methodists, Baptists, Presbyterians and Orthodox Congregationalists, and distinguish the members of those sects, each from all the others.

For instance; though every Baptist in the country chewed tobacco, and should thus be individually averse to see that habit characterized as a filthy or an evil one, this fact would in no wise tend to prevent the publication and circulation of tracts against tobacco, because there is nothing against the use of it in the creed or constitution of the Baptist sect, and the persons who choose to use it do so not as Baptists, but as individuals. Since, then, no Baptist has, or can have, anything to say, *as a Baptist*, against the censure of tobacco-chewing, the Tract Society is perfectly free to publish such censure, as far as Baptists are concerned.

They are *free* to publish such censure. But this statement by no means covers the whole ground. If, awaking from a long slumber of ignorance or neglect, the Tract Society should find it proved, by overwhelming evidence, that tobacco-chewing is the fertile mother of ignorance, vice, depravity and degradation of every sort, in the communities where it is practised—that it corrupts morals, obstructs religion, destroys both the purity and the peace of families, separates husband from wife and parent from child, reverses natural affection, so as to make many parents care for their own children only as a means of getting money, and vitiates even the preaching of the Gospel, making many ministers "ministers of sin," and many churches "cages of unclean birds," *then* they would be *bound*, by an unquestionable and most imperative *duty*, to lift up their voice against it, to cry aloud and spare not, until such an abomination should utterly cease from the land.

Just so of slavery. The Baptist creed and rules require no man to hold slaves; the tens of thousands of Baptist church-members who do hold them, do so *not as Baptists*, but as individuals. The Tract Society, therefore, is not in the slightest degree limited, by its constitutional connection with the Baptist sect, from censuring slavery. But if there is overwhelming evidence that slavery directly violates justice, humanity, morality and religion, that it debases the slave, corrupts the master, demoralizes the whole society in which it exists, and vitiates even the churches and the ministers connected with it, *then* the Tract Society is *imperatively bound* to utter a loud, strong and continuous testimony against it. As long as it refuses to do this, it is false, alike to the welfare of society, the purity of the church, the interests of the rising generation, and its own constitutional obligations "to promote the interests of vital godliness and sound morality."

DR. CHEEVER'S NEW BOOK.

To the Editors of The National Anti-Slavery Standard.

I think a single erroneous impression is conveyed by your recent review of Dr. Cheever's new book, "*God against Slavery.*" In that review the idea is set forth that Dr. Cheever seems to imagine that the recent Presidential campaign afforded the first opportunity for the pulpit to speak out against the system of slavery. Your notice states:

"Before proceeding further in our examination of Dr. Cheever's volume, we wish to recall to the minds of our readers some facts relating to his ministry in New York. He has been for seventeen years a settled pastor in this city. During the whole of that time, slavery has not only existed and flourished throughout one-half of our immense territory, but has been dominant and triumphant over the whole of it, swaying the Executive power, controlling the army, navy, treasury, post-office, press and pulpit, commerce and manufactures, using the Northern territory as its hunting-ground, and disposing of the liberties and lives of Northern citizens according to its own wishes and interests. During the whole of that period of seventeen years, the power of slavery has been extended, its arrogance increasing, its outrages even upon freemen becoming more numerous. *Where was Dr. Cheever in all those years? Where were his burning eloquence, his fervour in defence of God's truth, justice and righteousness against the proslavery arguments of his clerical brethren, his scorching denunciations of a sin which, though the sum of all villanies, impudently claimed the Bible itself as its ally and authority?*"

The question is asked, "Where was Dr. Cheever in all those years?" The answer I would give is, that Dr. Cheever stood "in all those years" exactly where he stands to-day. It is due him to state that he has been just as radical in his opposition to slavery from the *beginning* of his ministry, as he now promises to be to the *end* of it. He has never, until recently, *published* a volume of sermons on this subject, but during "the seventeen years of his pastorate in this city," and during previous years in another city, he has *preached* such sermons, enough to make many volumns, in which "his burning eloquence, and his fervour in defence of God's truth" were no less conspicuous than in the memorable series of last Autumn Some of the members of his former church in Salem, Mass. (in which ancient town he suffered imprisonment for the truth's sake), will not yet have forgotten a course of sermons delivered *twenty years ago*, against the iniquity of the institution of slavery, in which he set forth out of the Scriptures, in the peculiarly forcible and eloquent style to which he had ripened even at that early day, the judgments which God would inevitably pronounce upon the defenders and apologists of the wicked system. And since that time, he has every year—and often many times in the year—honoured his pulpit and himself with a noble advocacy of the cause of human rights and human freedom. His discourses have not unfrequently been so pointed and powerful, that persons in the audience have risen from their seats, and tramped out of the church in indignation, unable to endure the preacher's "fanaticism." Members and even officers of his church have from time to time come to him to remonstrate against his practice —"unusual," as they have said, "with other ministers" —of preaching so repeatedly and so warmly against slavery.

If it be asked why Dr. Cheever has not seen fit, until now, to *publish* some of those anti-slavery sermons which preceded the series of last Fall, I answer that not a single publishing house in the city of New York could be found that was willing to risk its Southern trade by publishing even *these*, at this late day of advanced public sentiment!

I have troubled you with this note in order to correct what was certainly a misrepresentation, in your columns, of so noble, so fearless, and so true-hearted a man and minister as Dr. Cheever; for the least wrong to a man is grievous when it is done by friends, and none the less when done without intent or by oversight.

Yours truly, Amicus.

We publish the above with pleasure, it being our earnest desire and intention to treat Dr. Cheever with fairness, and also with generosity, so far as we can do so at our expense and not at that of the slaves. We know that "Amicus" has stated only what he honestly believes to be true, and we are not at present prepared to say that his statement is overdrawn; but we must be permitted to remind him of other facts, which, in this connection, should not be overlooked. During the whole seventeen years in which Dr. Cheever has occupied the position of a minister in this city, the anti-slavery movement has been struggling against the wind and tide of an adverse public opinion, in as well as out of the Church. Its advocates have been branded as "fanatics" and "infidels," and its meetings have sometimes, even in this city,

COLOURPHOBIA IN BOSTON.

To the Editors of The National Anti-Slavery Standard.

BOSTON, March 10, 1857.

SOME persons think that here in the moral (?) "Athens of America," where the heart as well as the head is educated, that there is but little prejudice against colour, and that the coloured man enjoys equal rights and privileges with his white fellow-citizen. This unfortunately, is not true. Indeed, I have yet to find the place under the flag of our glorious Union, in which a black man may feel free. I think we ought to love the *Union*, as we are commanded to love our enemies, to bless those who curse us, and pray for those who despitefully use and persecute us.

The prejudice against colour, it is true, does not exist, or at least show itself, so strong here, as in the middle States. But, it exists in all classes, the poor and the rich, the native and the foreigner. It sticks out in the boldest relief in those who have neither sense nor education sufficient to hide it. Nine-tenths of the Irish, most of all others of the labouring classes, and nearly or quite all of the "codfish," will not sit beside a coloured person anywhere, when they can help themselves; and when they do, if they see a vacant seat, they are sure to make for it. This, I have never known to happen to what is called the aristocracy. I (who am entirely too sensitive to be a negro) have occupied reserved seats contiguous to that class of persons, both ladies and gentlemen, Misses and Masters, at the lecture, the concert, and the theatre, and I have never noticed the slightest uneasiness, much loss a disposition to change. I do not know that there is a difference in feeling, it may be only in education. But if education will do so much, I should be happy to see every man a scholar. So far as our privileges are concerned, we have equal rights in the eyes of the law. Our State and City Courts I believe are impartial. The cars, the omnibus, the Museum, the lecture-room, the public libraries, the Mercantile Library, the concert-room, the hotel, the eating-house and the oyster saloon are open to us. There is an eating-house in Wilson's Lane, an eating and drinking-house in School street, and a confectionary shop in Court street, kept by a Fremont Republican, in which coloured men are proscribed. The Howard Athenæum, the Boston Theatre, the National Theatre, and the Ordway Hall Negro Minstrels, all advertise in their bills, "coloured persons only admitted in the third tier." Mr. Julian B. McCrea and Mr. John Stephenson, the former a barber and law student and the latter a book-keeper, both "culled pussons" "to all intents and purposes," took it into their heads to visit the Howard Athenæum. They bought tickets to the family circle. When Mr. Stephenson presented his ticket at the door of the family circle he was refused admission, but he was politely informed that he could go up two pairs of stairs and be accommodated. Mr. S., feeling indignant, threw his ticket down and walked off. Soon after, Mr. McCrea presented his ticket for admission; he, too, was refused, and the way was also pointed out to him by which he might occupy a much higher position and be "tirely bove the wite folks." McCrea could not understand how a ticket for the family circle could exalt him so very high. He was expostulated with and informed of the extreme danger there was in removing the ancient landmarks of the Institution. But, it was all to no purpose, the negro's intellect was too obtuse to comprehend his fine system of didactics. At last Mr. McCrea said, "Well, I have heard enough from you for one night, I am now going in to see what is going on inside, and if you don't stand aside I'll go through you." The poor fellow in half a second presented all the colours of the rainbow and then turned *white*. He no doubt imagining that "the devil on two sticks" "had him, sure," for he cried out in a Stentorophonic voice, "Help, *Lord, help!*" Of course everybody heard him, and everybody came to see what was the "fractions," the police among the rest, and McCrea was ejected. Mr. Stephenson had in the meantime found his ticket, and presented it; he was again refused. Whether Mr. Stephenson was forcibly ejected deponent saith not. Mr. S. is a prudent man and not disposed to *run* into danger. Mr. McCrea is not so prudent. If any man goes into his shop and speaks in favour of slavery or disrespectfully of his *breed*, I suppose I ought to say *race*, or of certain prominent Abolitionists, he tells them to "hush up," then opens the door and tells them to "go out." I have seen him drive out three within a month. Benjamin F. Hallet, Asa O. Butman and —— Fleming of the National Theatre have been special objects of his ire. He says that a barber is the lowest specimen there is of a man; that it is the meanest business there is. "Show me a barber," says he, "and I will show you a man who has no mind, or if he has he dares not speak it." There is a village in New Jersey composed of just such men. They are mostly "fugitives from service or labour" "in one State," who have "escaped into another," and who will not, "in consequence of any law or regulation thereof," "be delivered up." When a strange white or black man is found loitering about, a standing committee wait upon him, and if he cannot give a satisfactory account of himself he is looked upon as a spy, his "walking papers" are made out, that is, he is granted "leave of absence," and if he does not walk away he stands a chance of taking a ride. In the town in which I was born, when about eight years old I remember holding the clothes of two men who "held" a negro "on suspicion" of being a spy, while a half-dozen women whipped him with switches. The poor fellow protested his innocence, and cried, and groaned, and appealed for mercy; but it was no use, he was suspected as a kidnapper, and to exist there he must be like Cæsar's wife—above suspicion. When they let him go he promised faithfully that he would never come within ten miles of the place, and so far as I have been able to learn he has not been seen or heard from since. When he left he did some sweet running. I should not be surprised if his penchant for espionage was entirely cured.

But to return to my subject. The day after Messrs. McCrea and Stephenson had been ejected from the theatre they entered actions against Mr. R. G. Marsh, the lessee and manager of the Howard, and he was held by each in $500 to answer. He then entered a cross action, charging them with false arrest and malicious prosecution, swearing also that he feared they were about to leave the State, and placed the bail at $2,000 each. This was evidently done to quash the case. For he no doubt thought that they could not command the bail, would be obliged to go to jail, and then they would gladly compromise. This was a mistake, the bail was promptly given. Afterwards there were overtures made to them, but they were not entertained. Before the case is reached, Mr. Marsh has had a "call" to New Orleans which he has accepted. The black men then made affidavit that they feared that he would leave the State and they had him held in $600 for his appearance. It is probable that there may be another suit against Mr. M. for perjury, for he swore that he feared McC. and S. were about to leave the State, when it is known that they are both permanently settled here. The case is complicated, but I hope we shall get a decision from ou Courts, so that we can know whether a man has a legal rig ot to prohibit a man on account of his colour in an institution chartered by the city. I am always proud to see black men stick up for their rights and fight manfully for them. Slavery and a bitter prejudice has done much to make the blacks timid and servile. A waiter on board of the Metropolis, not long since, became very indignant because I would not, after taking first class fare, eat at the fourth table. There is much to be done among the coloured people. They must be induced to emancipate themselves from an entire dependence upon menial employments, and those who are friendly to us must show it by patronizing us at our trades, our stores, and in our professions. One of the greatest causes of our degradation under our immediate control is the fact that we have our priests and are governed by them quite as much as the Irish are. Only, we are more independent. If our priest does not suit us we "ship him" and get another, but a priest we will have. Now, these priests feel the necessity of having good picking, hence they are eternally appealing to a "generous public" for aid to *build a house for the Lord!* where they can worship under their own "wine an figtree, where nun dare to hender or make 'em afraid." Now, it is well known that every lamb that strays into the fold may become a sheep, and every sheep, aside from the picking of his bones, is worth his wool, at any time and all times, hence we have extraordinary traps set to "kotch" old sinners. And then our white brethren contribute largely and "generous.y," for, if we assist the blacks to keep up their separate associations we will thereby keep them together; but, if they have no place of worship they will be crowding in on us. We must, therefore, sustain them, no matter what it costs. I respect the feelings of every person, but I think the coloured people, where they have equal rights, make a great mistake in keeping up caste churches. We are all sensitive on these points, and yet we persist in our modes of life. There are some coloured men in the United States who reflect credit upon everything with which they become connected, while there is another class so imbruted by slavery and an accursed prejudice that they hang around certain places for the express purpose of being kicked around, and these are the men who are always on hand to represent us.

And now as the Supreme Court of the United States has washed its hands in the blood of Dred Scott and his family, and in millions yet unborn—has decided that the coloured man is not a citizen—that the Ordinance of 1787 and the Compromise of 1820 were unconstitutional, I can only say, this is all right; let us get rid of all the Compromises and enslave the whole population. Why, sir, this is the only way that the Union can be preserved. But if it is as the Supreme Court states, and I think they have the right view of it, the Union is already dissolved, and it needs only a little agitation to scatter its dry gangrenous carcase to the wind. I hope hereafter that black men will keep in their mind's eye the decision of the Supreme Court. Should a war grow out of the Central American question, or any other, when we fight again we will fight for citizenship. Mark that, Uncle Sam.

But I must not speak ironically of that time-honoured compact. The Union is no doubt safe from such treasonable hands as I possess. The question is now settled. Gen. Wilson has dined with Caleb Cushing and made speeches with B. F. Hallett. The lion and the lamb have lain down together. After having seen slavery and freedom embrace each other, I now look hopefully forward to the millenium.

ROCK.

MISREPRESENTATION CORRECTED.

To the Editors of The National Anti-Slavery Standard.

THE *Radical Abolitionist* for March, in a criticism upon the *Oberlin Evangelist's* statement that, "On all hands it must be conceded that the power to abolish slavery in the sovereign States is not given to Congress by the Constitution in express terms," says: "It is *not* 'conceded on all hands' that the power in question 'is not given to Congress in *express terms*.' Patrick Henry, in the Virginia Convention that adopted the Constitution, affirmed directly the contrary, *and no man appears to have disputed him.* Said Patrick Henry, 'Congress, by the Constitution, has power to declare all slaves free.' . . . . 'There is no ambiguous *implication* or logical deduction. The paper speaks to the point. *They have the power in clear and unequivocal terms, and they will clearly and certainly exercise it.*'

"Gov. Randolph responded, 'I hope there is *no one here* who will advance an objection so dishonourable to Virginia. I hope that, at the moment they are securing the rights of their citizens, an objection will not be started, that those unfortunate men now held in bondage, by the operation of the General Government may be made free.'

"With this 'understanding' the Constitution was adopted in Virginia."

In the foregoing extract, William Goodell, the editor of the *Radical Abolitionist*, affirms, that, to Patrick Henry's assertion the Constitution conferred on Congress in express terms the power to abolish slavery in the States, there was no objection offered; that Gov. Randolph endorsed the statement, and that with the "*understanding*" that the Constitution conferred that power, the Virginia Convention ratified it.

Now, what are the facts? Gov. Randolph, in the very next sentence of the speech from which the above extract is made, says: "But if any gentleman be terrified by this apprehension, let him read the system. I ask, and I will ask again and again until I be answered (not by declamation), *where is the part that has a tendency to the abolition of slavery?*" * * * * "*Point out the clause where this formidable power of emancipation is inserted.*" Then, after reviewing some of the clauses that protect and defend the right of property in slaves, and some of those that were affirmed to have power to destroy their rights, he closes, on the clause giving Congress power "to lay and collect taxes," &c., &c., that was affirmed by Mr. Henry to convey, by implication, the power of abolishing slavery. Gov. Randolph says, "*You must violate every rule of construction and common sense* if you sever it from the power of raising money and annex it to anything else, *in order to make it that formidable power which it is represented to be.*"

James Madison said in the same debate, "I was struck with surprise when I heard him express himself alarmed with respect to the emancipation of slaves. Let me ask if they should ever attempt it, if it would not be a usurpation of power? *There is no power to warrant it in that paper. If there be, I know it not.* * * * I believe such an idea never entered into an American breast, nor do I believe it ever will, *unless it will enter into the heads of those gentlemen who substitute unsupported suspicion for reasons.*"

Mr. Henry, in reply, to these gentlemen, says, "He asked me where was the power of emancipating slaves. *I say it will be implied, unless implication be prohibited.* * * * They can exercise the power *though it be not delegated.*"

Now what are Mr. Goodell's assertions good for, in view of these statements? To what a desperate extremity must he be reduced in his argument, that he needs to resort to this fraudulent falsification of historical facts? And who can rely upon any statement that such a man shall make?

In another paragraph of the same article he speaks of "the Garrisonian disputants having abandoned the field" (of maintaining the pro-slavery character of the Constitution). This he knows to be as false as his other assertions. For the good, and, to them, sufficient reasons, which the Executive Committee of the American Anti-Slavery Society assigned for not accepting a proposition for a set discussion with Mr. Goodell and company, did not imply anything of the kind, but directly the contrary. And if those reasons needed any reinforcement, Mr. Goodell's unscrupulous falsifications in this article would abundantly furnish it.

To those of our readers who would like to examine the historical evidence of the pro-slavery character of the Constitution (and what Abolitionist should not?), we commend the extracts from the Madison Papers, etc., by Wendell Phillips. A new and enlarged edition of which has just been published by the American Anti-Slavery Society.

H.

PREMIUM AWARDED.—In July last, an American merchant residing in Glasgow, Scotland, through the Rev. Mr. Thompson, one of the editors of *The Independent*, offered a premium of Two Hundred Dollars for the best tract on "The Family Relation as affected by Slavery"; said premium to be awarded by a Committee consisting of Rev. Francis Wayland, D.D., LL.D., of Providence, R. I.; the Right Rev. Thomas M. Clark, D.D., Bishop of Rhode Island; Charles Stoddard, Esq., of Boston, and Rev. David Brown, D.D., of Glasgow. Mr. Thompson announced last week, in *The Independent*, that thirty-five manuscripts were received in answer to the advertisement. These were all submitted to the several members of the Committee in the United States, and they unanimously awarded the premium to the author of the manuscript entitled "First pure, then peaceable." The manuscripts were then all sent to Dr. Brown, at Glasgow, and he came to the same decision. After this conclusion had been reached by the Committee unanimously, it was assertained that the author of the manuscript is Charles K. Whipple, M.D., of Boston. In accordance with the wish of the donor, Mr. Thompson says he will immediately submit this premium tract to the consideration of the Executive Committee of the American Tract Society, in the hope that a manuscript which has been unanimously approved by eminent, judicious and impartial censors from the Baptist, Episcopal, Congregational and Presbyterian denominations, may prove to be "calculated to receive the approbation of all evangelical Christians."

Mr. Whipple has been a faithful and thorough-going Abolitionist for twenty years or more, and his pen has often been employed in behalf of the cause. Those who have long known him are well aware of the strength of his logic and the vigour and clearness of his style, and will not, therefore, be at all surprised that, among so many competitors, he should take the prize.

PREACHING FOR THE TIMES.—The Rev. George B. Cheever, D.D., preached, on Sunday evening last, a masterly discourse in exposition of the wickedness of the late decision of the U. S. Supreme Court, by which persons of African descent are pronounced not to be citizens of the United States. The church was crowded to its utmost capacity, and the preacher's burning words of argument and denunciation were received with every appropriate manifestation of conviction and sympathy. If the pulpits of the land generally would only speak the same sentiments, with the same earnestness, they would produce a revolution more sublime than any which the world has yet seen.

It is reported that the Rev. Dr. Tyng, Rector of St. George's (Episcopal) Church, also preached last Sunday on the same subject, avowing sentiments scarcely less revolutionary than those proclaimed by Dr. Cheever. How deeply is it to be regretted that the *true words* of these eloquent men are shorn of much of their power by their personal complicity with slavery through their ecclesiastical relations! Still, we thank God that they have spoken.

From our Boston Correspondent.

NO. CCV.

THE ARGUMENT.—The Correspondent on the Thaw—He blameth it for his own dulness—He complaineth of the Editors and quoteth Dr. Johnson—He taketh refuge in the State House—He bemoaneth the hard case of Judge Loring—He telleth all about it—He exalteth his Excellency—Also the Attorney-General—And his Office of Keeper of the Conscience—He commenteth on Judge Loring's Letter—He adviseth the Committee—He telleth of the new Oath Bill—He maintaineth the Rights of Infidels—He setteth forth his own doctrine of exclusion—He is personal and malicious—And so concludeth, &c. &c. &c.

BOSTON, March 16, 1857.

IT is a great thaw to-day, and as dull as Shakspeare says one always is. So you cannot reasonably expect me to be brilliant. In a good snapping cold day, with the thermometer low enough to raise one's spirits, and a brisk wind howling round the windows and roaring down the chimney, one can try to say clever things. But when Ethereal Mildness comes dropping off the eaves of the houses as you walk along under them, and fills the middle of the streets with a mixture of snow and mud of the very slushiest description, I would defy Yorick himself to be gay and lively. Mark Tapley would merit the praise he so strove after if he could be jolly under the difficulties presented by a warm, moist, dirty day about the bring up of Winter and the first coming in of Spring. But if you will insist on my writing to you at regular intervals, without regard to the state of the weather or of the state of the mind consequent thereupon, you must be content with what you can get, and be thankful. Dr. Johnson scoffs at the notion of one time of the year being more favourable to composition than another, and he also says that if a man sit down doggedly to it, he can write at any time he likes. So I will try and see whether his philosophy be correct or not—for I have not an idea in my head at this moment, and the hour is close at hand when what I write must be sent or miss you altogether for this week.

Let me see—is there anything going on here of a public nature? O, yes, there is the movement in the Legislature upon Judge Loring for the purpose of relieving him of the burdens of office. I believe I told you in my last letter that there was a scheme of this sort entertained by some malignant persons, who never will forget anything, however much they may learn. The unquiet spirits who will not let bygones be bygones, and forget and forgive the little peccadilloes of public men, have busied themselves in putting the great and general Court in mind of executing the laws of the State. They have, in the most unpleasant manner, revived the recollection of a certain law, passed on the hint of our present Excellency, when that model magistrate refused to remove Judge Loring, two years since, in compliance with the Address of both Houses asking for it. By this statute, as you very well remember, the fact of holding any office under the United States Government whereby the holder may be called upon to act under the Fugitive Slave law, is made lawful ground of removal of any Judge by Address or Impeachment, as a just ground of loss of public confidence. This law Governor Gardner signed, and by it Judge Loring has been removable at any time after ten days from his signature, unless he resigned his Commissionership. Of this law this eminent Judge, whose scrupulosity as to obedience to law seems confined to cases in which slaves are concerned, has never taken any notice at all, but has passed from the Probate Court to the Commissioner's Office with a perfect looseness, keeping one auspicious eye on the look-out for runaway niggers and one dropping one for the sorrows of the widows and orphans of Suffolk County, all at the same time.

Last year a movement was made to procure the due execution of this law, and of the Judge at the same time, but it had the go-by given to it in consequence of the lateness of the time in the session when it came up. This year it is brought forward in better season, though by no means early enough, considering the procrastinating and *shirking* nature of the American animal. It has been referred to a Committee, which is to give the petitioners a hearing sometime this week. I am told that Judge Loring has sent in a letter to the Committee, in which he admits the fact of his continuing to hold the two offices at the same time, but justifying his contumacy on the ground that, in his opinion, the law is unconstitutional! An opinion, I imagine, most Judges in his case would hold. But it is something new that the Legislature has not the right to make certain State offices incompatible with certain United States ones. At any rate, it has exercised the right often enough and long enough ago. It is said that the Judge fortifies his own opinion by that of Attorney-General Clifford, whom Governor Gardner continued in office from the good old days of the Whig dynasty, for the convenience of having the Gubernatorial conscience kept in good repair; for the Attorney-General, you must know, exercises the function with us that the Lord Chancellor does in England, and keeps the Conscience of the Governor as that high officer does that of the King. It was through the care bestowed upon that delicate fabric by Mr. Clifford that it was hindered from suffering the Massachusetts Bench to be robbed of such an ornament as Judge Loring, and it is not unlikely that, should this movement reach such a point as to compel his Excellency's action, it will again be made Address-proof, so that this odious magistrate cannot slip through it. If the general Court really wish to put the thing through, they would do well to act by way of Impeachment, instead of Address, as that keeps the whole control of the matter within their own hands. But that is none of my business.

Another matter that the Legislature has been considering has been the admission of all sorts of persons to be competent witnesses—even Atheists—their opinions going to their credibility to the jury and not to their competency. This has been furiously resisted by the pietism and bigotry of the State as an assault on Christianity, and an attack on the foundations of society. And yet a more commonsensical proposition was never suggested, and the only sin and shame in the case lies in its not having been made long ago, or rather in its having ever had any occasion to be made at all. The sanction of an oath is two-fold—one belonging to this world and the other to the next. Now, I submit that the fear of the penitentiary is enough to keep unbelievers from telling lies in the witness-box, without the additional apprehension of the penal fires of the world to come, which may control the wickedness of the faithful. But it is notorious that the word of men called infidels is regarded as just as good as that of the best minister or church-member, in the daily business of life—and better in multitudes of cases. In fact, a professing infidel must have a strong regard for truth, or he would make no such profession at all. Multitudes of real unbelievers go to church every Sunday, whose oaths are received without objection because they keep it to themselves. As Atheism, or Infidelity of any kind, is by no means popular, and nobody would ever think of avowing either, unless it expressed their honest, however mistaken, opinions, the inference is strong in favour of their personal integrity and truthfulness. At any rate, a jury is perfectly competent to decide in each particular case, and it is a simple shutting the Courts to witnesses, essential to the administration of justice, to close the doors against anybody that has anything to tell about any matter in question. And very great injustice has actually been done through this state of the law.

Now my notion is, that if any class of persons should be shut out of the Courts and forbidden to testify because of their opinions, it should not be the open and out-spoken Infidels. It should be those who make Christianity the cloak of the blackest crimes, and who set the law of man above that of God. All Doctors of Divinity who preached slave-catching sermons, five or six years ago, in which they told their hearers that it was their religious duty to obey a law of Congress rather than a law of God, when they come in conflict, should be rigorously kept out of the witness-box, if anybody is to be. All ministers and professors who take South-side Views of Christianity, all who hold that God made one portion of his children for the express purpose of being the beasts of burden of another portion, all holy confessors who would consent to the martyrdom of their mothers rather than slavery should be molested, all Castle-Gardenites and Faneuil Hall Unionsavers, these are the men whose testimony should be pronounced fishy by the law, if there is to be any invidious distinctions at all. Why should not men who are left to believe a Lie (or at least to make-believe that they do), why should not they tell one, too? Such men have no perception of the fundamental principles of common morality, and why should they be believed in Court, if opinions are to exclude anybody? Still, I am not in favour of excluding them or anybody. I would have the character of such men as Dr. Adams or of Dr. Dewey, for example, affect the credibility of their testimony, just as I would that of Abner Kneeland or of Thomas Paine, and not their competency. I trust that remnant of barbarism and obstruction of justice will be very speedily put out of the way, here and everywhere.

One of our Judges rebuked this absurdity neatly—and, to do them justice, they are generally slow to enforce this law, if they can help it—when objection was made to a witness that he did not believe in a God. "I believe in *one* God," said the witness. "That is all the statute requires, I think," said the Judge; "let him be sworn." I wish I could remember who it was. However, I have succeeded in making these matters fill up my due number of sheets, which is all that you have a claim to demand. If anybody think the opinions I have been expressing unsound or dangerous, I beg them to remember that I only and not you are responsible for them. I had to cast my net at random, and you must take the draught as you find it, or else let it alone, as you please. I don't pretend that it is a miraculous one.

D. Y.

STATE RIGHTS.—Several of the Northern Legislatures have appointed Committees to take into consideration the late decision of the United States Supreme Court in its bearing upon the reserved rights and powers of the States and report what measures, if any, it may be necessary to adopt for their protection. The subject was introduced in the New York Assembly, by Judge Foot of Ontario County, and was warmly debated on Saturday last. The bogus Democracy preached the doctrine of unqualified submission to the infamous decree of the Court, but the Republican members took the ground that the People were mightier than the tribunal created by themselves, and might set aside its unrighteous judgment. The Albany *Knickerbocker* says:

"The subject called out the finest display of oratory and the most brilliant debate heard in the Capitol for many years. John Van Buren was among the spectators, and appeared remarkably uneasy. He did not relish the scorching and withering sarcasm of Judge Hogeboom, and the other Republican members, directed against the Democratic party. In vain he tried to prompt his Democratic friends, but every point they attempted to make was stormed and carried, until the Prince, like Gen. Cass in the Dred Scott case, seized his hat and left the House in disgust.

"The Nestor of the House, Judge Foot, rose above himself. The old man was more bold and eloquent than ever. His denunciation of the partisan Judges and their political decision was intensely bitter.

"Mr. Pomeroy held the attention of the House for half an hour in a masterly speech, vindicating the rights of the coloured man to citizenship. His allusions to the traffic in human flesh were so full of feeling that it thrilled the House like an electric touch."

Foot's resolution was adopted, and we may expect a report from the Committee to whom the subject has been referred.

A WORK ON MORAL PHILOSOPHY, from the pen of the Rev. Hubbard Winslow, of Boston, which has lately made its appearance, is highly praised in some of our most popular journals. We know nothing of its merits, but we *do* know that Mr. Winslow is one of the most inveterate pro-slavery hunkers in the whole country, that his "moral philosophy," was of such a character as to permit him to be the eulogist of Webster in the hour of his apostacy, and that, at the time when Lovejoy became a martyr for his devotion to the cause of freedom, he (Winslow) apologized for his murderers by proclaiming the absurd postulate, that "Republican liberty is not the liberty of doing and saying what we please, but the liberty of doing and saying what the community will allow and protect"—the liberty, in other words, of doing and saying what may not give offence to a bloody and brutal mob! We must be excused for doubting whether the man of such precept and practice is a fit teacher of moral philosophy. It would be impossible to compute the mischief done to society by false systems of ethics—by Paley's doctrine of expediency, for example—and the friends of freedom and righteousness ought to look sharply at all works on such subjects that are intended for text-books in our institutions of learning.

THE GALLOWS.—The efforts to restore capital punishment in Rhode Island and Wisconsin have failed. The restoring bill was indefinitely postponed in the Wisconsin Senate by a vote of 17 to 10. We are sorry to say that Massachusetts has taken a retrograde step in this matter by repealing the law which required a year to intervene between the sentence and execution of a murderer. This has been done in a panic excited by the murders which lately occurred in the State prison. The Boston *Telegraph* makes this significant record: "Within twelve hours after the House of Representatives concurred with the Senate in the great remedial measure for the crime of murder, viz.: the bill to repeal the law giving the year's probation to convicted murderers, a man was shockingly murdered within sight of the State House."

DISAPPOINTMENT.—We had just written a paragraph assuring our friends in Poughkeepsie that the doubt expressed last week, as to Mr. Garrison's ability to attend the Convention to be held there on Tuesday and Wednesday next, was removed, when we received later information from Boston which compels us, however reluctantly, to announce that the dangerous illness of a near relative, in his own house, makes it his duty to remain at home. There is some probability (we wish it were a certainty) that Parker Pillsbury will come in his place. The lecture appointed for Mr. Garrison at Hudson, for Thursday evening, must therefore be relinquished.

SOUTHERN DEPENDENCE.—The Vicksburg (Mississippi) *Whig*, of a recent date, says:

"Even the Mississippi Legislature, at its late session, allowed its laws to go to Boston to be printed, and made an appropriation of three thousand dollars to pay one of its members to go there and read the proof-sheets, instead of having it done in the State, and thereby assisting in building up a Southern publishing house. What a commentary on the Yankee haters!"

Sure enough! And "what a commentary," too, upon the idle threats of the fire-eaters of the South to break up the Union and establish an independent government.

ANNIVERSARY.—The City Assembly Rooms, 448 Broadway (between Howard and Grand streets), have been secured for the use of the American Anti-Slavery Society, for its annual meeting, Tuesday and Wednesday, May 12th and 13th.

JOHN P. HALE and his eldest daughter are said to be quite ill from the effects of the "rat-poisoned" water imbibed at the National Hotel in Washington. They have returned to Dover, N. H., where Mr. Hale resides.

Summary.

Dr. Beall, of Kentucky, sued the Cincinnati *Inquirer* for libel, in charging that he enticed a free negro man from that place to Kentucky, and there offered him for sale to a negro trader. The damages claimed were $5,000, and the jury assessed them at $250.

Rev. Daniel Foster, Chaplain of the Massachusetts House of Representatives, has collected $250 of the members, which he is increasing by soliciting subscriptions about the city, to purchase a new font of type for Mr. Bailey, the indefatigable editor of a Republican paper at Newport, Ky.

SLAVES GOING SOUTH.—The Montgomery (Ala.) *Mail*, of Monday evening last, says:

"For the last week or two, the number of slaves carried by the Alabama boats down the river, for New Orleans, has been large beyond all precedent. These negroes come over our railroad, mainly from Virginia and North Carolina.

PHRENOLOGY AND CRIME.—The head of Verger, the murderer of the Archbishop of Paris, has been examined at the French School of Medicine by several leading phrenologists, and they allege that it offers a striking proof of the truth of the science. According to their statement the most remarkable developments are those of self-esteem and love of admiration, and the most deficient those of amativeness and social affections. His cranium is to be preserved in the museum of the College.

Col. Samuel Medary, the patriarch of Ohio journalism, has been appointed Governor of Minnesota, vice Willis A. Gorman, superseded. Col. W. A. Richardson, who did n't receive the thirty or forty thousand majority for Governor of Illinois that he saw in his dreams, is understood to have been pressed for this post by Senator Douglas, but ineffectually. Medary is a better choice.

AN AFRICAN EXODUS.—The Petersburg (Va.) *Express* of Tuesday says:

"Our citizens are beginning to observe the unusual number of slaves that are constantly passing through Petersburg, on their way South; and to the minds of many the result appears inevitable that it will need the work of but ten or twenty years to clear Virginia of that part of her population. A company of one hundred passed through on Saturday."

F. H. Underwood, of this city, recently delivered his lecture on authors and publishers before the Young Men's Institute at Hartford, and judging from the comments of the Hartford papers, with great success. The Hartford *Times* says that of the score of lecturers who have visited Hartford this season, only Wendell Phillips came up so nearly as Mr. Underwood to its ideal of excellence. His lecture is pronounced to have been eminently entertaining and instructive. —*Boston Telegraph.*

S. R. WARD.—*Editor of the Standard:* Since your article about *S. R. Ward*, his friends have made enquiry about the case, and the best informed of them don't believe the story at all. They are sure their friends in England would have given them some information on the subject—a fact of that kind would have been published in the English papers with all the particulars. It seems to be mere rumour unsupported by any facts—and is not to be credited.

This letter is written for your paper by the advice of his intelligent friends, as a correction of what they believe is a false impression.—JUSTICE.—*Syracuse Standard.*

WOMAN'S RIGHTS.—A Louisville paper says: "A young lady appeared in our streets, the sole occupant of a conspicuous seat upon a load of wood, having driven the team a distance of several miles into the city without any assistance. She sold her wood very readily, and, purchasing some family necessaries, she threw them and herself into the wood waggon with the agility of an active young man, and pursued her way home to the rapid measure of 'Pop Goes the Weasel,' which she whistled with masculine taste and spirit. The young lady appears to be about 18 years of age, and does not adopt the novel calling from necessity (for her father has taxables to the amount of $10,000), but merely as a right."

CANINE INSTINCT.—A remarkable instance of instinct or sagacity in a dog occurred in Fairhaven a few days since. Two children were playing in the middle of the street, when a runaway horse was seen approaching at a furious rate. The dog, a cross of the Newfoundland and mastiff breeds, who was lying near, saw the approaching peril, and going to the rescue of the unconscious innocents, took up by their clothes in his teeth, first one of the children, and deposited the little thing out of danger, on the sidewalk, and then returned and took the other and also placed it safely on the walk. This done, the dog made a spring at the horse and tried to seize him by the nose, but failed to stop him.—*Boston Courier.*

Nothing is more lovely than the innocent simplicity of children, as manifested before they have learned of their parents and school teachers to lie and dissimulate. Take the following specimen:

"The question at a tea party turning upon the impropriety of one's mixing up cakes with a pinch of snuff in the fingers, fearing some might be scattered in the dough, a lad remarked that he had seen his mother mix cakes with a pinch of snuff in her fingers, and not scatter a bit. 'Why, Billy,' replied the offended lady, 'how you do lie.' 'Well, mother, I don't know but I do,' innocently replied the urchin; 'I don't know but you did scatter it a very little.'"

DAVID WILMOT.—The Harrisburg *Telegraph*, in noticing the arrival of Judge Wilmot at that place says:

"The friends of Mr. Wilmot will make great efforts to get his consent to become the opposition candidate for Governor; and we hope that he may be prevailed upon to accept that nomination. He would not only poll the heaviest vote of the opposition party to the slave-driving Democracy, but would make a Governor around whom every lover of freedom could rally. Let us have Mr. Wilmot as the standard bearer of the flag of freedom in the next campaign; and his name associated with other good and true men for Canal Commissioner and Judges of the Supreme Court, will lead the party to triumph."

The R. I. House of Representatives has passed an act declaring all places where liquor is illegally sold, as well as houses used for other immoral purposes, common nuisances, and subjecting the owners of such houses to severe penalties. A similar statute exists in Massachusetts; and it is the opinion of one of the district attorneys in that State, as given to Mr. Clarke of this city, that it can be made the most effective law ever yet enacted for the suppression of the liquor traffic. We have not the slightest doubt ourselves, that, armed with this law, and supported by public opinion, ten resolute and determined men could shut up nearly every grogshop in the city in less than sixty days.—*Providence Journal.*

A capital sermon was preached by Rev. F. H. Newhall, pastor of the Park street Church in this city, on Sunday evening last, on our present position and duties in reference to the slavery question. Mr. Newhall alluded to the recent monstrous aggression of the Slave Power, in the decision on the Dred Scott case, in appropriate terms, as having nationalized slavery all over the Union—in the States as well as Territories; so we can no longer, he maintained, be reproached for speaking against slavery, as none of our business, for we have it now virtually established in our very midst. It was time, he said, that we made a direct fight with slavery itself, instead of endeavouring to hit it by side blows. Its yoke is directly upon our very necks, and we can no longer evade a direct issue with it, as it sits enthroned in the government.—*Mass. Spy.*

THE PRESSURE FOR OFFICE, says the Washington correspondent of *The Times*, exceeds all former experience, not excepting the rush in 1840, when popular sentiment demanded change, throughout all the departments of Government. Since Monday, the Cabinet have met daily at 9 o'clock, rarely adjourning before 3, and beyond the urgent public affairs, this time has been engrossed almost entirely in matters concerning the dispensation of patronage. California and Pennsylvania have the largest numerical forces of applicants on the ground. The country politicians of the latter State swarm like locusts, and every man of them has pretensions to the first rank of consideration. Poor Mr. Buchanan is pestered and badgered to death—they give him no respite; being a bachelor, even his bedroom is no sanctuary in the White House. Morning, noon and night they watch him, seize him and torture him. This treatment is manifestly impairing his natural amiability and gentleness. At times he is crusty and complaining; these mental perplexities have superinduced a return of the epidemic which scourged him severely a month ago, and his expression of face shows anxiety and suffering.

REV. C. CHAUNCEY BURR.—An Albany correspondent of the Utica *Herald* gives the following notice of this gentleman, whose name and fame are well known in this section:

"Prominent among the lions in the city just now, is Rev. C. Chauncey Burr, of toe-snapping memory. Chauncey, I regret to say, is looking rather seedy. The defeat of Mr. Fillmore has cast a blight over his prospects. Politics being at a low ebb, he has been devoting his leisure to gallanting Lola Montez, and engaging in such other social amenities as greatness is wont to disport itself with. The reverend gentleman especially distinguished himself last night by a quiet knock down with a brother 'American.' His antagonist insulted him by calling him a 'd——d Fremonter.' This was too much for the sensibilities of the great apostle of 'Americanism,' and so he avenged his wounded honour by knocking his assailant down. To-day he carries about him as a memento of his exploit, a black eye."

The genius of Mrs. Partington, after all, dominates in every one of our State Know-Nothing Councils. A resolution in favour of "the preservation of the Union" is inevitable. In the natural progress of imbecility, the next Council (if one is ever held) will undoubtedly declare itself in favour of the continued Union between the sixty counties of the Empire State. —*Albany Evening Journal.*

The *Journal* forgets that the Fremont Platform begins the same way, and that more recently, Henry Wilson had such a severe attack of the Union fever, that he proposed to hang people because they came together merely to discuss the propriety of dissolving the Union. This Union humbug, we are sorry to say, is harboured by many Republicans, who ought to know better. The Union cannot be dissolved by politicians, nor can it be cemented by politicians. If it is dissolved at all, it is by the voice of a majority of the people, and if they desire separation, they have as much right to withdraw from the Union, as they had to enter into it. A man who favours the abrogation of the U. S. Constitution, is no worse than he who favours a change in the Constitution of Wisconsin.—*Milwaukee Free Democrat.*

A resolution ordering the printing of twenty thousand copies of the recent opinions of the Supreme Court Justices in the case of Dred Scott, was introduced by Senator Benjamin this morning and lies over for consideration to-morrow. It will probably evoke an interesting discussion on the subject of the late extraordinary decision of that body, which has already rekindled the agitation it was designed to quell.

Apropos to this decision it is said General Cass, who was invited to hear the reading of it, and who occupied a prominent seat in the hall of the court, was not much pleased with the result. He had listened with manifest impatience to Judge Taney's refutation of squatter sovereignty, but when the venerable Chief Justice had uttered the declaration that the constitutional provision, empowering Congress to make all needful rules and regulations for the territories, applied only to territory in possession of government, at the time the constitution was adopted, he seized his hat and marched out, in a manner indicating his dissent to every one who saw him This was more than he could stand, and he did not care to hear the remainder of the decision.—*Wash. Cor. of N. Y. Eve. Post.*

WHO WRITES THE NEGRO SONGS.—The principal writer of our national music is Stephen C. Foster, the author of "Unce Ned," "O Susannah," &c. Mr. Foster resides near Pittsburg, where he occupies a moderate clerkship, upon which, and per centage on the sales of his songs, he depends for a living. He writes the poetry as well as the music of his songs. These are sung wherever the English language is spoken, while the music is sung wherever men sing, In the cotton fields of the South, among the mines of California and Australia, in the sea-coast cities of China, in Paris, in the London prison, everywhere, in fact, his melodies are heard. "Uncle Ned" was the first.

This was published in 1845, and reached a sale unknown till then in the music publishing business. Of "The Old Folks at Home," 100,000 copies have been sold in this country, and as many more in England. "My Kentucky Home," and "Old Dog Tray," each had a sale of about 70,000. All his other songs have had a great run. All his compositions are simple, but they are natural, and find their way to the popular heart, and link themselves indissolubly with its best associations.

The Norfolk *Herald* publishes a letter from a negro who had run away from his mistress to Toronto, Canada, and who writes to her expressing great discontent with his present condition, and saying that he would go back if she would promise never to *sell* him. The letter is as follows:

TORONTO, Canada, Saturday, Feb. 21, 1857.

DEAR MISTRESS: I am sorry for what I have done—you have been a kind mistress to me, and I would have come back, but I was *afraid you would sell me.*

I have seen enough of Freedom, and would not have left at all, but I was persuaded by a white man, and have never been satisfied, since I left. I am now worse off than

Miscellaneous Department.

THE DEAD SECRET.

CHAPTER THE FIFTH. THE BRIDE AND BRIDEGROOM.

UNDER the roof of a widowed mother, Miss Mowlem lived humbly at St. Swithin's-on-Sea. In the spring of the year eighteen hundred and forty-four, the heart of Miss Mowlem's widowed mother was gladdened in the closing years of life by a small legacy. Turning over in her mind the various uses to which the money might be put, the discreet old lady finally decided on investing it in furniture, on fitting up the first floor and the second floor of her house in the best taste, and on hanging a card in the parlour window to inform the public that she had furnished apartments to let. By the summer the apartments were ready, and the card was put up. It had hardly been exhibited a week before a dignified personage in black applied to look at the rooms, expressed himself as satisfied with their appearance, and engaged them for a month certain, for a newly-married lady and gentleman, who might be expected to take possession in a few days. The dignified personage in black was Captain Treverton's servant, and the lady and gentleman, who arrived in due time to take possession, were Mr. and Mrs. Frankland.

The maternal interest which Mrs. Mowlem felt in her youthful first lodgers was necessarily vivid in its nature; but it was apathy itself compared to the sentimental interest which her daughter took in observing the manners and customs of the lady and gentleman in their capacity of bride and bridegroom. From the moment when Mr. and Mrs. Frankland entered the house, Miss Mowlem began to study them with all the ardour of an industrious scholar who attacks a new branch of knowledge. At every spare moment of the day, this industrious and inquisitive young lady occupied herself in stealing up-stairs to collect observations, and in running down-stairs to communicate them to her mother. By the time the married couple had been in the house a week, Miss Mowlem had made such good use of her eyes, ears and opportunities that she could have written a seven days' diary of the lives of Mr. and Mrs. Frankland, with the truth and minuteness of Mr. Samuel Pepys himself.

But, learn as much as we may, the longer we live the more information there is to acquire. Seven days' patient accumulation of facts in connection with the honeymoon had not placed Miss Mowlem beyond the reach of further discoveries. On the morning of the eighth day, after bringing down the breakfast tray, this observant spinster stole up-stairs again, according to custom, to drink at the spring of knowledge through the key-hole channel of the drawing-room door. After an absence of five minutes she descended to the kitchen, breathless with excitement, to announce a fresh discovery in connection with Mr. and Mrs. Frankland to her venerable mother.

"Whatever do you think she's doing now?" cried Miss Mowlem, with widely-opened eyes and highly-elevated hands.

"Nothing that's useful," answered Mrs. Mowlem, with sarcastic readiness.

"She's actually sitting on his knee! Mother, did you ever sit on father's knee when you were married?"

"Certainly not, my dear. When me and your poor father married we were neither of us flighty young people, and we knew better."

"She's got her head on his shoulder," proceeded Miss Mowlem more and more agitatedly, "and her arms round his neck—both her arms, mother, as tight as can be."

"I won't believe it!" exclaimed Mrs. Mowlem, indignantly. "A lady like her, with riches, and accomplishments, and all that, demean herself like a housemaid with a sweetheart! Don't tell me, I won't believe it!"

It was true though, for all that. There were plenty of chairs in Mrs. Mowlem's drawing-room; there were three beautifully bound books on Mrs. Mowlem's Pembroke table (the Antiquities of St. Swithin's, Smallridge's Sermons, and Klopstock's Messiah in English prose)—Mrs. Frankland might have sat on purple morocco leather, stuffed with the best horsehair, might have informed and soothed her mind with archæological diversions, with orthodox native theology, and with devotional poetry of foreign origin—and yet, so frivolous is the nature of women, she was perverse enough to prefer doing nothing, and perching herself uncomfortably on her husband's knee!

She sat for some time in the undignified position which Miss Mowlem had described with such graphic correctness to her mother, then drew back a little, raised her head, and looked earnestly into the quiet, meditative face of the blind man.

"Lenny, you are very silent this morning," she said. "What are you thinking about? If you will tell me all your thoughts, I will tell you all mine."

"Would you really care to hear all my thoughts?" asked Leonard.

"Yes: all. I shall be jealous of any thoughts that you keep to yourself. Tell me what you were thinking of just now! Me?"

"Not exactly of you."

"More shame for you. Are you tired of me in eight days? I have not thought of anybody but you ever since we have been here! Ah! you laugh. O, Lenny, I do love you so; how can I think of anybody but you? No! I shan't kiss you. I want to know what you were thinking about first."

"Of a dream, Rosamond, that I had last night. Ever since the first days of my blindness— Why, I thought you were not going to kiss me again till I had told you what I was thinking about!"

"I can't help kissing you, Lenny, when you talk of the loss of your sight. Tell me, my poor love, do I help to make up for that loss? Are you happier than you used to be? and have I some share in making that happiness, though it is ever so little?"

She turned her head away as she spoke, but Leonard was too quick for her. His inquiring fingers touched her cheek. "Rosamond, you are crying," he said.

"I crying!" she answered with a sudden assumption of gayety. "No," she continued, after a moment's pause. "I will never deceive you, love, even in the veriest trifle. My eyes serve for both of us now, don't they? you depend on me for all that your touch fails to tell you, and I must never be unworthy of my trust—must I? I did cry, Lenny—but only a very little. I don't know how it was, but I never, in all my life, seemed to pity you and feel for you as I did just at that moment. Never mind, I've done now. Go on—do go on with what you were going to say."

"I was going to say, Rosamond, that I have observed one curious thing about myself since I lost my sight. I dream a great deal, but I never dream of myself as a blind man. I often visit in my dreams places that I saw, and people whom I knew when I had my sight; and though I feel as much myself, at those visionary times, as I am now when I am wide-awake, I never by any chance feel blind. I wander about all sorts of old walks in my sleep, and never grope my way. I talk to all sorts of old friends in my sleep, and see the expression in their faces which, waking, I shall never see again. I have lost my sight more than a year now, and yet it was like the shock of a new discovery to me to wake up last night from my dream, and remember suddenly that I was blind."

"What dream was it, Lenny?"

"Only a dream of the place where I first met you when we were both children. I saw the glen, as it was years ago, with the great twisted roots of the trees, and the blackberry bushes twining about them in a still shadowed light that came through thick leaves from the rainy sky. I saw the mud on the walk in the middle of the glen, with the marks of the cows' hoof in some places, and the sharp circles in others where some countrywomen had been lately trudging by on pattens. I saw the muddy water running down on either side of the path after the shower; and I saw you, Rosamond, a naughty girl, all covered with clay and wet—just as you were in the reality—soiling your bright blue pellisse and your pretty little chubby hands by making a dam to stop the running water, and laughing at the indignation of your nursemaid when she tried to pull you away and take you home. I saw all that, exactly as it really was in the bygone time, but strangely enough I did not see myself as the boy I then was. You were a little girl, and the glen was in its old neglected state, and yet, though I was all in the past so far, I was in the present as regarded myself. Throughout the whole dream I was unusually conscious of being a grown man—of being, in short, exactly what I am now, excepting always that I was not blind."

"What a memory you must have, love, to be able to recall all those little circumstances, after the years that have passed since that wet day in the glen! How well you recollect what I was as a child! Do you remember in the same vivid way, what I looked like a year ago, when you saw me—O, Lenny, it almost breaks my heart to think of it!—when you saw me for the last time?"

"Do I remember, Rosamond! My last look at your face has painted your portrait on my memory in colours that can never change. I have many pictures in my mind, but your picture is the clearest and brightest of all."

"And it is the picture of me at my best—painted in my youth, dear, when my face was always confessing how I loved you, though my lips said nothing. There is some consolation in that thought. When years have passed over us both, Lenny, and when time begins to set his mark on me, you will not say to yourself, 'My Rosamond is beginning to fade; she grows less and less like what she was when I married her.' I shall never grow old, love, for you! The bright young picture in your mind will still be my picture when my cheeks are wrinkled and my hair is gray."

"Still your picture—always the same, grow as old as I may."

"But are you sure it is clear in every part? Are there no doubtful lines, no unfinished corners anywhere? I have not altered yet, since you saw me—I am just what I was a year ago. Suppose I asked you what I am like now, could you tell me without making a mistake?"

"Try me."

"May I? You shall be put through a complete catechism! I don't tire you sitting on your knee, do I? Well, in the first place, how tall am I when we both stand up side by side?"

"You are just up to my ear."

"Quite right to begin with. Now for the next question. What does my hair look like in your portrait?"

"It is dark brown—there is a great deal of it—and it grows rather too low on your forehead for the taste of some people—"

"Never mind about 'some people,' does it grow too low for your taste?"

"Certainly not. I like it to grow low; I like all those little natural waves that it makes against your forehead; I like it taken back, as you wear it, in plain bands which leave your ears and your cheeks visible; and, above all things, I like that big glossy knot that it makes where it is all gathered up together at the back of your head."

"O, Lenny, how well you remember me, so far! Now go a little lower."

"A little lower down to your eyebrows. They are very nicely-shaped eyebrows in my picture—"

"Yes, but they have a fault. Come! tell me what the fault is?"

"They are not quite so strongly marked as they might be."

"Right again! And my eyes?"

"Brown eyes, large eyes, wakeful eyes, that are always looking about them. Eyes that can be very soft at one time, and very bright at another. Eyes tender and clear, just as the present moment, but capable, on very slight provocation, of opening rather too widely and looking rather too brilliantly resolute."

"Mind you don't make them look so now! What is there below the eyes?"

"A nose that is not quite big enough to be in proportion with them. A nose that has a slight tendency to be—"

"Don't say the horrid English word! Spare my feelings by putting it in French. Say retroussé, and skip over the nose as fast as possible."

"I must stop at the mouth, then, and own that it is as near perfection as possible. The lips are lovely in shape, fresh in colour, and irresistible in expression. They smile in my portrait, and I am sure they are smilling at me now."

"How could they do otherwise when they are getting so much praise? My vanity whispers to me that I had better stop the catechism here. If I talk about my complexion, I shall only hear that it is of the dusky sort; and that there is never red enough in it, except when I am walking, or riding, or confused, or angry. If I risk a question about my figure, I shall receive the dreadful answer, 'You are dangerously inclined to be fat.' If I say, how do I dress? I shall be told, not soberly enough; you are as fond as a child of gay colours—No! I will venture no more questions. But, vanity apart, Lenny, I am so glad, so proud, so happy to find that you can keep the image of me clearly in your mind. I shall do my best now to look and dress like your last remembrance of me. My love of loves! I will do you credit—I will try if I can't make you envied for your wife. You deserve a hundred thousand kisses for saying your catechism so well—and there they are!"

While Mrs. Frankland was conferring the reward of merit on her husband, the sound of a faint, small, courteously-significant cough, made itself timidly audible in a corner of the room. Turning round instantly with the quickness that characterized all her actions, Mrs. Frankland, to her horror and indignation, confronted Miss Mowlem standing just inside the door with a letter in her hand, and a blush of sentimental agitation on her simpering face.

"You wretch! how dare you come in without knocking at the door?" cried Rosamond, starting to her feet with a stamp, and passing in an instant from the height of fondness to the height of passion.

Miss Mowlem shook guiltily before the bright, angry eyes that looked through and through her, turned very pale, held out the letter apologetically, and said in her meekest tones that she was very sorry.

"Sorry!" exclaimed Rosamond, getting even more irritated by the apology than she had been by the intrusion, and showing it by another stamp; "who cares whether you are sorry or no? I don't want your sorrow—I won't have it. I never was so insulted in my life—never, you mean, prying, inquisitive creature!"

"Rosamond! Rosamond! pray don't forget yourself!" interposed the quiet voice of Mr. Frankland.

"Lenny, dear, I can't help it! That creature would drive a saint mad. She has been prying after us ever since we have been here, you ill-bred indelicate woman!—I suspected it before—I am certain of it now! Must we lock our doors to keep you out?—we won't lock our doors! Fetch the bill! We give you warning. Mr. Frankland gives you warning—don't you Lenny? I'll pack up all your things, dear; she shan't touch one of them. Go down-stairs and make out your bill, and give your mother warning. Mr. Frankland says he won't have his rooms burst into and his doors listened at by inquisitive women—and I say so too. Put that letter down on the table—unless you want to open it and read it—put it down, you audacious woman, and fetch the bill, and tell your mother we are going to leave the house directly!"

At this dreadful threat, Miss Mowlem, who was soft and timid, as well as curious, by nature, wrung her hands in despair, and overflowed meekly in a shower of tears.

"O! good gracious Heavens above!" cried Miss Mowlem, addressing herself distractedly to the ceiling, "what will mother say! what will become of me now! O, Mam, I thought I knocked—I did, indeed! O, Mam! I humbly beg pardon, and I'll never intrude again. O, Mam! mother's a widow, and this is the first time we have let the lodgings, and the furniture's swallowed up all our money, and, O, Mam! Mam! how I shall catch it if you go!" Here words failed Miss Mowlem, and hysterical sobs pathetically supplied their place.

"Rosamond!" said Mr. Frankland. There was an accent of sorrow in his voice this time, as well as an accent of remonstrance. Rosamond's quick ear caught the alteration in his tone. As she looked round at him, his colour changed, her head drooped a little, and her whole expression altered on the instant. She stole gently to her husband's side with softened, saddened eyes, and put her lips caressingly close to his ear.

"Lenny," she whispered, "have I made you angry with me?"

"I am so sorry—so very, very sorry!" The fresh, soft lips came closer still to his ear as they whispered their penitent words; and the cunning little hand crept up tremblingly round his neck and began to play with his hair. "So sorry, and so ashamed of myself! But it was enough to make almost anybody angry, just at first—was n't it, dear? And you will forgive me—won't you, Lenny?—if I promise never to behave so badly again? Never mind that wretched whimpering fool at the door," said Rosamond, undergoing a slight relapse as she looked round at Miss Mowlem, standing immovable repentant against the wall, with her face buried in a dingy-white pocket-handkerchief. "I'll make it up with her; I'll stop her crying; I'll take her out of the room; I'll do anything in the world that's kind to her, if you will only forgive me."

"A polite word or two is all that is wanted—nothing more than a polite word or two," said Mr. Frankland, rather coldly and constrainedly.

"Don't cry any more, for goodness sake!" said Rosamond, walking straight up to Miss Mowlem, and pulling the dingy-white pocket-handkerchief away from her face without the least ceremony. "There! leave off, will you? I am very sorry I was in a passion—though you had no business to come in without knocking—I never meant to distress you, and I'll never say a hard word to you again, if you will only knock at the door for the future, and leave off crying now. *Do* leave off crying, you tiresome creature! We are not going away. We don't want your mother, or the bill, or anything. Here! here's a present for you, if you'll leave off crying. Here's my neck-ribbon—I saw you trying it on yesterday afternoon, when I was lying down on the bed-room sofa, and you thought I was asleep. Never mind; I'm not angry about that. Take the ribbon—take it as a peace-offering, if you won't as a present. You *shall* take it!—No, I don't mean that—I mean, please take it! There, I've pinned it on. And now, shake hands and be friends, and go up-stairs and see how it looks in the glass." With these words, Mrs. Frankland opened the door, administered, under the pretence of a pat on the shoulder, a good-humoured shove to the amazed and embarrassed Miss Mowlem, closed the door again, and resumed her place in a moment on her husband's knee.

"I've made it up with her, dear. I've sent her away with my bright green ribbon, and it makes her look as yellow as a guinea, and as ugly as ——." Rosamond stopped, and looked anxiously into Mr. Frankland's face. "Lenny!" she said, sadly, putting her cheek against his, "are you angry with me still?"

"My love, I never was angry with you. I never can be."

"I will always keep my temper down for the future, Lenny!"

"I am sure you will, Rosamond. But never mind that. I am not thinking of your temper now."

"Of what, then?"

"Of the apology you made to Miss Mowlem."

"Did I not say enough? I'll call her back if you like—I'll make another penitent speech—I'll do anything but kiss her. I really can't do that—I can't kiss anybody now, but you."

"My dear, dear love, how very much like a child you are still, in some of your ways! You said more than enough to Miss Mowlem—far more. And if you will pardon me for making the remark, I think in your generosity and good-nature, you a little forgot yourself with the young woman. I don't so much allude to your giving her the ribbon—though, perhaps, that might have been done a little less familiarly—but, from what I heard you say, I infer that you actually went the length of shaking hands with her."

"Was that wrong? I thought it was the kindest way of making it up."

"My dear, it is an excellent way of making it up between equals. But consider the difference between your station in society, and Miss Mowlem's."

"I will try and consider it, if you wish me, love. But I think I take after my father, who never troubles his head (dear old man!) about differences of station. I can't help liking people who are kind to me, without thinking whether they are above my rank or below it; and when I got cool, I must confess I felt just as vexed with myself for frightening and distressing that unlucky Miss Mowlem, as if her station had been equal to mine. I will try to think as you do, Lenny; but I am very much afraid that I have got, without knowing exactly how, to be what the newspapers call, a Radical."

"My dear Rosamond! don't talk of yourself in that way, even in joke. You ought to be the last person in the world to confuse those distinctions in rank on which the whole well-being of society depends."

"Does it really? And yet, dear, we don't seem to have been created with such very wide distinctions between us. We have all got the same number of arms and legs; we are all hungry and thirsty, and hot in the summer and cold in the winter; we all laugh when we are pleased, and cry when we are distressed; and, surely, we have all got very much the same feelings, whether we are high or whether we are low. I could not have loved you better, Lenny, than I do now, if I had been a duchess, or less than I do now, if I had been a servant-girl."

"My love, you are not a servant girl. And as to what you say about a duchess, let me remind you that you are not so much below a duchess as you seem to think. Many a lady of high title, cannot look back on such a line of ancestors as yours. Your father's family, Rosamond, is one of the oldest in England—even *my* father's family hardly dates back so far; and we were landed gentry when many a name in the Peerage was not heard of. It is really almost laughably absurd to hear you talking of yourself as Radical."

"I won't talk of myself so again, Lenny—only don't look so serious. I'll be a Tory, dear, if you will give me a kiss, and let me sit on your knee a little longer."

Mr. Frankland's gravity was not proof against his wife's change of political principles, and the conditions which she annexed to it. His face cleared up, and he laughed almost as gaily as Rosamond herself.

"By the bye," said he, after an interval of silence had given him time to collect his thoughts, "did I not hear you tell Miss Mowlem to put down a letter on the table? Is it a letter for you or for me?"

"Ah! I forgot all about the letter," said Rosamond, running to the table. "It is for you, Lenny—and, goodness me! here's the Porthgenna postmark on it."

"It must be from the builder whom I sent down to the old house about the repairs. Lend me your eyes, love, and let us hear what he says."

Rosamond opened the letter, drew a stool to her husband's feet, and, sitting down with her arms on [illegible], read as follows:

TO LEONARD FRANKLAND, ESQ.

SIR: Agreeably to the instructions with which you favoured me, I have prooceeded to survey Porthgenna Tower, with a view to ascertianing what repairs the house in general, and the north side of it in particular, may stand in need of.

As regards the outside, a little cleaning and new-pointing is all that the building wants. The walls and foundations seem made to last forever. Such strong solid work I never set eyes on before.

Inside the house, I cannot report so favourably. The rooms in the west front, having been inhabited during the period of Captain Treverton's occupation, and having been well looked after since, by the persons left in charge of the house, are in tolerably sound condition. I should say two hundred pounds would cover the expense of all repairs in my line, which these rooms need. This sum would not include the restoration of the west staircase, which has given a little in some places, and the banisters of which are decidedly insecure, from the first to the second landing. From twenty-five to thirty pounds would suffice to set this all right.

In the rooms on the north front, the state of dilapidation, from top to bottom, is as bad as can be. From all that I could ascertain, nobody never went near these rooms in Captain Treverton's time, or has ever entered them since. The people who now keep the house have a superstitious dread of opening any of the north doors, in consequence of the time that has elapsed since any living being has passed through them. Nobody would volunteer to accompany me in my survey, and nobody could tell me which keys fitted which room doors in any part of the north side. I could find no plan containing the names or numbers of the rooms; nor, to my surprise, were there any labels attached separately to the keys. They were given to me, all hanging together on a large ring, with an ivory label to it, which was only marked: Keys of the North Rooms. I take the liberty of mentioning these particulars in order to account for my having, as you might think, delayed my stay at Porthgenna Tower longer than is needful. I lost nearly a whole day taking the keys off the ring and fitting them at hazard to the right doors. And I occupied some hours of another day in marking each door with a number on the outside, and putting a corresponding label to each key, before I replaced it on the ring, in order to prevent the possibility of future errors and delays.

As I hope to furnish you, in a few days, with a detailed estimate of the repairs needed in the north part of the house, from basement to roof, I need only say here that they will occupy some time, and will be of the most extensive nature. The beams of the staircase and the flooring of the first story have got the dry rot. The damp in some rooms, and the rats in others, have almost destroyed the wainscottings. Four of the mantel-pieces have given out from the walls, and all the ceilings are either stained, cracked, or peeled away in large patches. The flooring is, in general, in a better condition than I had anticipated; but the shutters and window-sashes are so warped as to be useless. It is only fair to acknowledge that the expense of setting all these things to rights—that is to say of making the rooms safe and habitable, and of putting them in proper condition for the upholsterer—will be considerable. I would respectfully suggest, in the event of your feeling any surprise or dissatisfaction at the amount of my estimate, that you should name a friend in whom you place confidence, to go over the north rooms with me, keeping my estimate in his hand. I will undertake to prove, if needful, the necessity of each separate repair, and the justice of each separate charge for the same, to the satisfaction of any competent and impartial person whom you may please to select.

Trusting to send you the estimate in a few days,

I remain, sir,

Your humble servant,

THOMAS HORLOCK.

"A very honest, straightforward letter," said Mr. Frankland.

"I wish he had sent the estimate with it," said Rosamond. "Why could not the provoking man tell us at once in round numbers what the repairs will really cost?"

"I suspect, my dear, he was afraid of shocking us, if he mentioned the amount in round numbers."

"That horrid money! It is always getting in one's way and upsetting one's plans. If we have n't got enough, let us go and borrow of somebody who has. Do you mean to despatch a friend to Porthgenna to go over the house with Mr. Horlock? If you do, I know who I wish you would send."

"Who?"

"Me, if you please—under your escort, of course. Don't laugh, Lenny. I would be very sharp with Mr. Horlock: I would object to every one of his charges, and beat him down without mercy. I once saw a surveyor go over a house, and I know exactly what to do. You stamp on the floor, and knock at the walls, and scrape at the brickwork, and look up all the chimneys and out of all the windows—sometimes you make notes in a little book, sometimes you measure with a foot-rule, sometimes you sit down all of a sudden and think profoundly—and the end of it is that you say the house will do very well indeed, if the tenant will pull out his purse and put it in proper repair."

"Well done, Rosamond! You have one more accomplishment than I knew of; and I suppose I have no choice now but to give you an opportunity of displaying it. If you don't object, my dear, to being associated with a professional assistant in the important business of checking Mr. Horlock's estimate, I don't object to paying a short visit to Porthgenna whenever you please—especially now I know that the west rooms are still habitable."

"O, how kind of you! how pleased I shall be! how I shall enjoy seeing the old place again before it is altered! I was only five years old, Lenny, when we left Porthgenna, and I am so anxious to see what I can remember of it, after such a long, long absence as mine. Do you know, I never saw anything of that ruinous north side of the house—and I do so dote on old rooms? We will go all through them, Lenny. You shall have hold of my hand, and look with my eyes, and make as many discoveries as I do. I prophesy that we shall see ghosts and find treasures, and hear mysterious noises—and, oh heavens! what clouds of dust we shall have to go through. Pouf! the very anticipation of them chokes me already!"

"Now we are on the subject of Porthgenna, Rosamond, let us be serious for one moment. It is clear to me that these repairs of the north rooms will cost a large sum of money. Now, my love, I consider no sum of money misspent, however large it may be, if it procures you pleasure. I am with you heart and soul—"

He paused. His wife's caressing arms were twining round his neck again, and her cheek was laid gently against his. "Go on, Lenny," she said, with such an accent of tenderness in the utterance of those three simple words, that his speech failed him for the moment, and all his sensations seemed absorbed in the one luxury of listening. "Rosamond," he whispered, "there is no music in the world that touches me as your voice touches me now! I feel it all through me, as I used sometimes to feel the sky at night, in the time when I could see." As he spoke, the caressing arms tightened round his neck, and the fervent lips softly took the place which the cheek had occupied. "Go on, Lenny," they repeated happily as well as tenderly now, "you said you were with me, heart and soul. With me in what?"

"In your project, love, for inducing your father to retire from his profession after this last cruise, and in your hope of prevailing on him to pass the evening of his days happily with us at Porthgenna. If the money spent in restoring the north rooms, so that we may all live in them for the future, does indeed so alter the look of the place to his eyes as to dissipate his old sorrowful associations with it, and to make his living there again a pleasure instead of a pain to him, I shall regard it as money well laid out. But, Rosamond, are you sure of the success of your plan before we undertake it? Have you dropped any hint of the Porthgenna project to your father?"

"I told him, Lenny, that I should never be quite comfortable unless he left the sea, and came to live with us—and he said that he would. I did not mention a word about Porthgenna—nor did he—but he knows that we shall live there when we are settled, and he made no conditions when he promised that our home should be his home."

"Is the loss of your mother the only sad association he has with the place?"

"Not quite. There is another association, which has never been mentioned, but which I may tell you, because there are no secrets between us. My mother had a favourite maid who lived with her from the time of her marriage, and who was, accidentally, the only person present in her room when she died. I just remember this woman, in a dim childish way, as being odd in her look and manner, and no great favourite with anybody in the house but her mistress. Well, on the morning of my mother's death, she disappeared from the house in the strangest way, leaving behind her a most singular and mysterious letter to my father, asserting that in my mother's dying moments, a secret had been confided to her which she was charged to divulge to her master when her mistress was no more; and adding that she was afraid to mention this secret, and that, to avoid being questioned about it, she had resolved on leaving the house forever. She had been gone some hours when the letter was opened—and she has never been seen or heard of since that time. This circumstance seemed to make almost as strong an impression on my father's mind as the shock of my mother's death. Our neighbours and servants all thought (as I think) that the woman was mad; but he never agreed with them, and I know that he has neither destroyed nor forgotten the letter from that time to this."

"A strange event, Rosamond—a very strange event. I don't wonder that it has made a lasting impression on him."

"Depend upon it, Lenny, the servants and the neighbours were right—the woman was mad. Any way, however, it was certainly a singular event in our family. All old houses have their romance—and that is the romance of our house. But years and years have passed since then; and, what with time, and what with the changes we are going to make, I have no fear that my dear, good father will spoil our plans. Give him a new north garden at Porthgenna, where he can walk the decks, as I call it—give him new north rooms to live in—and I will answer for the result. But all this is in the future; let us get back to the present time. When shall we pay our flying visit to Porthgenna, Lenny, and plunge into the important business of checking Mr. Horlock's estimate for the repairs?"

"We have three weeks more to stay here, Rosamond."

"Yes; and then we must go back to Long Beckley. I promised that best and biggest of men, the vicar, that we would pay our first visit to him. He is sure not to let us off under three weeks or a month."

"In that case, then, we had better say two months hence for the visit to Porthgenna. Is your writing-case in the room, Rosamond?"

"Yes; close by us, on the table."

"Write to Mr. Horlock then, love—and appoint a meeting in two months' time at the old house. Tell him, also, as we must not trust ourselves on unsafe stairs—especially considering how dependent I am on banisters—to have the west staircase repaired immediately. And, while you have the pen in your hand, perhaps it may save trouble if you write a second note to the housekeeper at Porthgenna, to tell her when she may expect us."

Rosamond sat down gaily at the table and dipped her pen in the ink with a little flourish of triumph.

"In two months," she exclaimed joyfully, "I shall see the dear old place again! In two months, Lenny, our profane feet will be raising the dust in the solitudes of the North Rooms."—*Household Words.*

LITTLE WILLIE.

Poor Little Willie
With his many pretty wiles;
Worlds of wisdom in his looks,
And quaint, quiet smiles;
Hair of amber, touch't with
Gold of heaven so brave;
All lying darkly hid
In a Workhouse Grave.

You remember little Willie;
Fair and funny fellow, he
Sprang like a lily
From the dirt of poverty.
Poor little Willie!
Not a friend was nigh,
When, from the cold world,
He crouch't down to die.

In the day we wandered foodless,
Little Willie cried for bread;
In the night we wandered homeless,
Little Willie cried for bed,—
Parted at the workhouse door,
Not a word we said;
Ah, so tired was poor Willie,
And so sweetly sleep the dead.

'T was in the dead of winter,
We laid him in the earth;
The world brought in the New Year,
On a tide of mirth.
But, for lost little Willie,
Not a tear we crave;
Cold and Hunger cannot wake him
In his Workhouse Grave.

We thought him beautiful,
Felt it hard to part;
We loved him pitiful,
Down, down, poor heart.
The storms they may beat;
The winter winds may rave;
Little Willie feels not,
In his Workhouse Grave.

No room for little Willie;
In the world he had no part;
On him stared the Gorgon-eye,
Through which looks no heart.
Come to me, said Heaven;
And, if Heaven will save,
Little matters though the door
Be a Workhouse Grave.

THE CLOCK AT TANGIER.

THE Moors, unlike their partially enlightened brethren of the East, prohibit the Christian and the Jew from entering a mosque or other places consecrated by the law of the Prophet, under pain of death or embracing the faith of Islam. A droll instance of this occurred some years ago at Tangier.

The clock at the "*Jaman Lebeer*," the great mosque at Tangier, being much out of order, needed some skilful craftsman to repair it. None, however, of the "faithful" were competent to the task, nor could they ever discover what part of the machinery was deranged, though many put forth their opinions with great pomp and authority; amongst the rest, one man gravely declared that a *Jin*, or evil genius, had, in all probability, taken up its abode within the clock. Various exorcisms were accordingly essayed, sufficient, as every true believer supposed, to have expelled a legion of devils—yet all in vain; the clock continued dumb.

A Christian clock-maker, "a cursed Nazarene," was now their sole resource; and such a one fortunately was sojourning in Tangier—"the city protected of the Lord." He was from Genoa, and, of course, a most pious Christian; how, then, were they, the faithful followers of the Prophet, to manage to employ him? The clock was fixed in the wall of the tower, and it was, of course, a thing impossible to allow the Kaffer to defile God's house of prayer by his sacrilegious steps.

The time-keeper *Moakkeet* reported the difficulty to the kady; and so perplexed the gray-bearded dealer in law and justice by the intricacy of the case, that, after several hours of deep thought, the judge confessed he could not come to a decision, and proposed to report upon the subject to the kaid, advising that a meeting of the local authorities should be called. "For, in truth," said the kady, "I perceive that the urgency of this matter is great. Yes! I myself will expound our dilemma to the kaid."

The kaid entered feelingly into all the difficulties of the case, and forthwith summoned the other authorities to his porch, where various propositions were put forward by the learned members of the council.

One proposed to abandon the clock altogether; another would lay down boards over which the infidel might pass without touching the sacred floor; but this was held not to be a sufficient safeguard; and it was finally decided to pull up that part of the pavement on which the Kaffer trod, and whitewash the walls near which he passed.

The Christian was now sent for, and told what was required of him; and he was expressly commanded to take off his shoes and stockings on entering the Jamaa. "That I won't," said the stout little watchmaker; "I never took them off when I entered the chapel of the most Holy Virgin," and here he crossed himself devoutly, "and I won't take them off in the house of your Prophet."

They cursed in their hearts the watchmaker and all his race, and were in a state of vast perplexity. The wise Oolama had met early in the morning; it was already noon, and yet, so far from having got over their difficulty, they were in fact exactly where they had been before breakfast; when a gray-bearded Mueddin, who had hitherto been silent, craved permission to speak. The kaid and the kady nodded their assent.

"If," said the venerable priest, the mosque be out of repair, and lime and bricks have to be conveyed into the interior for the use of the masons, do not asses carry those loads, and do they not enter with their shoes on?"

"You speak truly," was the general reply.

"And does the donkey," resumed the Mueddin, "believe in the One God, or in Mohammed, the Prophet of God?"

"No, in truth," all replied.

"Then," said the Mueddin, "let the Christian go in abod as a donkey would do, and come out like a donkey."

The argument of the Mueddin was unanimously applauded. In the character of a donkey, therefore, did the Christian enter the Mohammedan temple, mended the clock, not indeed at all like a donkey—but as such, in the opinion of "faithful," came out again; and the great mosque of Tangier has never since needed another visit of the donkey to its clock.—*Western Barbary; its Wild Tribes and Savage Animals.*

Gleanings from Foreign Publications.

A correspondent writes to a Bristol paper to complain of "a vanity which is almost profane." "Selecting," he says, "a Book of Common Prayer in a stationer's shop in Bristol a few days ago, I saw some prayer-books having a looking-glass inserted in the inner side of the cover—I have no doubt that the fair owner might be able to arrange her hair and admire herself during the service!"

——"Give me leave to tell you," said Sydney Smith, wishing to deter his countrymen from indulging in too hopeful dreams of the bliss of convict life, "transportation is no joke. Up at five in the morning, dressed in a jacket, half blue, half yellow, chained on to another person like two dogs, a man standing over you with a great stick, weak porridge for breakfast, bread and water for dinner, boiled beans for supper, straw to lie upon, and all for thirty years."

——Lady Franklin has addressed and published a letter to Lord Palmerston, seeking to engage the sympathy of those in power in the despatch of an expedition in search of the remains of the Franklin party. She endeavours to show that the proposed search may be made with light hazard of life and very small cost, and observes: "This final and exhausting search is all I seek in behalf of the first and only martyrs to Arctic discovery in modern times, and it is all I ever intend to ask."

We (*Quarterly Review*) are informed that they have established a company in Paris, upon the Hudson's-bay principle, to buy up all the rats in the country for the sake of their skin. The soft nap of the fur when dressed is of the most delicate texture, far exceeding in delicacy that of the beaver, and the hatters consequently use it as a substitute. The hide is employed to make the thumbs of the best gloves, the elasticity and closeness of its texture rendering it preferable to kid.

——SABBATH AND SUNDAY.—A correspondent of the *Notes and Queries* says, the only words in English for the first day of the week, before the existence of Puritanism, were Sunday and Lord's Day. The former expression was used by our Saxon ancestors, with all Teutonic nations. The latter was adopted from the Christian form of southern Europe. Saturday, in Italian, still retains the name of Sabbato. The word for Sunday, in Russian, means resurrection, identifying the day, as the southern nations do, though more significantly, with the great triumph of Christian faith."

——THE HERO OF THE 17TH LANCERS.—Trumpeter Gleeson, of the gallant 17th Lancers, whose arrival in Clonmel we noticed in our last, and who wears the cross of the French Legion of Honor in addition to other decorations, was awarded that high distinctive badge of undoubted bravery by order of the Emperor Napoleon, in consequence of the giant feat which he accomplished in the fatal and murderous light cavalry charge at Balaklava, the gallant trumpeter having slain with his own blade no less than seven Russians in that action alone! He is a stout, low-sized man, and seems proud of the not insignificant part he has played in the Eastern campaign.—*Clonmel Chronicle.*

——A story is current in polite circles that, after the advancement of the Rev. R. Bickersteth to the Bishropic of Ripon, Lady Langdale (who is now abroad) wrote to thank Lord Palmerston for having so promoted him; adding that she was sure it would be a very popular appointment, as he united in himself the qualifications of both "Apollo and Apollos." His lordship is said to have replied that he was very glad that she was so pleased; that he understood perfectly her first allusion, for he had been told the bishop elect was a very good-looking man; but that he was quite at a loss to understand what she could mean by Apollos; unless, indeed, it was that her relative was so handsome; that he possessed the graces of more than one heathen deity of that name.

——CANROBERT ON HOOPS.—Canrobert's *bon mot* upon the subject is recorded with great gusto. One of the numerous assailants of his heart, Marquise de T——, had been watching with evident anxiety his approach across the ball-room to where she was seated. After a few of those little *minauderies* for which the marquise is remarkable, and one or two killing glances in the general's face, seeing that his attention was attracted by her toilet, she exclaimed with an effective lisp, "Well, marechal, what do you think of my dress to-night?" "Madame," returned Canrobert, with a smile of gallantry, as he surveyed its vast expanse, "I cannot but admire it, for it calls to mind the dearest *souvenir* of my soul." "Indeed!" exclaimed the marquise, her countenance brightening, and her eyes expressing at the same time all the varied emotions of hope, delight and surprise, to which the remark had given rise; "and how so?" "Why, it reminded me, the moment I entered the room, both in its extent and shape, *of my tent in the Crimea!*"

——SIR WALTER SCOTT AND THE AMERICAN AUTHORESS.—"One morning," said Scott, "I opened a huge lump of a despatch, without looking to know how it was addressed, never doubting that it had travelled under some omnipotent frank, like the first lord of admiralty's, when lo and behold, the contents proved to be a manuscript play, by a young lady of New York, who kindly requested me to read and correct it, equip it with prologue and epilogue, procure for it a favourable reception from the manager of Drury Lane, and make Murray or Constable bleed handsomely for the copyright; and, inspecting the cover, I found that I had been charged five pound odd for the postage. This was bad enough; but there was no help, so I groaned and submitted. A fortnight or so after, another packet, of not less formidable bulk, arrived, and I was absent enough to break its seal, too, without examination. Conceive my horror, when out jumped the same identical tragedy of the 'Cherokee Lovers,' with a second epistle from the authoress, stating that, as the winds had been boisterous, she feared the vessel entrusted with her former communication might have foundered, and therefore judged it prudent to forward a duplicate."

——The preliminary ceremony of the opening of Parliament, that which precedes all others, is the examination of the vaults by the Yeoman of the Guard, to see that no modern Guy Faux lies concealed in those long and intricate passages, with the fell purpose of blowing up the three estates of the realm. The "vaults" now are so extensive, being about the eighth of a mile long, three storeys in depth, and occupying some eight acres of ground, that it is doing no injustice to the zeal of the Yeoman of the Guard to say, that there must be many holes and corners in which a popish incendiary might lurk undiscovered. But, no doubt, the examination is sufficiently well performed; for, as now there are a considerable number of Roman Catholics in Parliament, it is hardly likely, even if the times and men's disposition were not changed, that any zealous Papist would hazard the risk of sending his friends flying in the air, for the gratification of blowing up Mr. Spooner and other rabid Protestants. But, in truth, the times are changed, and we are changed with them; and the only blowing up which Protestant zealots need fear is that of the tongue. And at this sort of blowing up they are certainly as good adepts as their popish opponents.

——Mrs. Ellis in her new book entitled "Education of Character," contends that competitive examinations should not be encouraged, as injurious on the whole to moral elevation: "In fact it has often struck me," she writes, "that the emulation so much commended